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Hearing on Overcrowding at Department of The Youth Authority Facilities

Senate Select Committee on Children and Youth

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CALIFORNIA LEGISLATURE

SENATE SELECT COMMITTEE ON
CHILDREN AND YOUTH
SENATOR ROBERT B. PRESLEY, CHAIRMAN

Hearing on

**OVERCROWDING AT DEPARTMENT OF
THE YOUTH AUTHORITY FACILITIES**

December 3, 1986

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CALIFORNIA LEGISLATURE

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SENATOR ROBERT B. PRESLEY, CHAIRMAN

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December 3, 1986

HEARING

ON

OVERCROWDING AT DEPARTMENT OF THE
YOUTH AUTHORITY FACILITIES

-o0o-

Senate Members:

Senator Gart Hart
Senator Newton R. Russell
Senator John Seymour
Senator Diane Watson

Staff:

Jane Henderson, Ph.D.

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SENATE SELECT COMMITTEE ON CHILDREN AND YOUTH

**HEARING
ON
OVERCROWDING AT DEPARTMENT OF THE
YOUTH AUTHORITY FACILITIES**

DECEMBER 3, 1986

CHAIRMAN ROBERT PRESLEY: This is a meeting of the Senate Select Committee on Children and Youth. And this particular phase of two days of hearings is designed to look into the problem of Youth Authority overcrowding. We've read and all know a lot about the overcrowding in the State prison system which is something like 170 percent now and growing daily -- but not too much about the other side of it which is the Youth Authority overcrowding which I understand at the present time is about 140 percent of designed capacity.

One of the things that we understand contributing to this is Youth Authority wards in many instances staying there longer than they have in the past. And, of course, if that happens, then toward the end, you begin to get overcrowded. The other difficulty is, I think, as we all know, there isn't any money around to do much of anything anymore unless it's some kind of a bond issue. And there have to be limits to how much of that we can do. So the purpose then is to try to find out what we can do about that 140 percent of overcrowding of the California Youth Authority system and what we might be able to do over the next few years.

The projections are, as we all know, that in 20 years, California is supposed to have 10 million more people. And I would guess, out of that 10 million more people, a few of them may end up in a Youth Authority and a few of them in the State prison system. And so that just indicates to us, I think, the scope of the problem we're going to be dealing with over the next, say, 20, 30 years in this state.

Our first witness is the Director, the one that's in the eye of the storm in all of this, the Director of the California Youth Authority, Jim Rowland. There are other members of this committee, by the way. And I'm assuming, that as quickly as they can, they'll be joining us from time to time.

MR. JAMES ROWLAND: Thank you very much, Senator. My thanks to you for, number one, holding this hearing; number two, for your continuing interest in the Youth California and the young Californians that we have locked up in the Youth Authority. I also appreciate the extra effort your staff have gone to to become knowledgeable and visit our places. I find that extremely helpful, and I appreciate people that go the extra mile to find out what we're dealing with and how we're coping in what some of our plans are. I also appreciate very much you focusing on the -- the problems and the crowding in the entire juvenile justice system. We are the end of the road. And as one writer said: "You cannot rock one end of the boat without affecting the other end." So I appreciate very much the perspective and the approach you're taking on that.

I have several things I'd like to report to you. First, I'd like to give you some of the policy, philosophical, foundational principles that we're working on both in operating the Youth Authority; and secondly, planning to cope with the problems and population of the future.

First and foremost, we feel that it is essential that we remain true to the mission of the Youth Authority to train and educate young offenders that are sent our way by the adult and juvenile courts of California. We must not deviate from that statutory and professional mission that we have to

simply not warehouse young people. This administration, with the help of certainly your leadership and the Governor and the Legislature, has remained true to that mission and my belief, in spite of our crowded stance that we're in. We have 100 more school teachers today than we had when this administration took over. We have significantly expanded with the help of the YOPB and the administration, drug programs, drug training, drug counseling programs throughout the Youth Authority. We're focusing in a specialized sense on sex offenders. We're trying to develop an employability system. We are happy to say we're recipient of some of the lottery money which will help us enhance and strengthen some of our educational services. And with the help of the Legislature, we have received resources to expand programming options in the Youth Authority into the evening hours. We are moving significantly toward requiring more than six hours or seven hours of participation by young people in the Youth Authority. So I feel that we are remaining true to that mission.

Secondly, from a philosophical perspective, I think it's -- that we even need to stress our mission more than we've ever stressed it because of our crowding. And I'm told by staff that we have a stronger program focused in the Youth Authority today than we've ever had. And I think, that when you're busy, it helps cope with the crowded situation.

CHAIRMAN PRESLEY: So you have a stronger program emphasis?

MR. ROWLAND: We are emphasizing programming --

CHAIRMAN PRESLEY: Even though you're 140 percent --

MR. ROWLAND: Correct.

CHAIRMAN PRESLEY: -- overcrowded.

MR. ROWLAND: And I offer that by the increased public service, the education related to public service, school teachers being provided, and extending program option into the evening hours. I think that's where staff are coming from when they say there's more emphasis on programming than ever before.

CHAIRMAN PRESLEY: To what extent does this 140 percent overcrowding exacerbate the problem? In terms of program, is it serious? Or are you able to -- I think you're saying you're coping, but I don't know how easily.

MR. ROWLAND: And I'm going to go into more detail on how we're coping. But we are making -- as we get resources to provide lighting and security measures into the academic and vocational areas, we're extending programming into the evening hours. We've done that in a couple places. We'll be doing it practically everywhere as the resources become available. So --

CHAIRMAN PRESLEY: What's your recidivism rate at the present time?

MR. ROWLAND: It's much higher than we like. That's why we're trying to change the system. If you go out -- I believe the 24-month period -- it still exceeds 50 percent. That's why we can no longer --

CHAIRMAN PRESLEY: It exceeds 50 by how much?

MR. ROWLAND (?): Just a little.

CHAIRMAN PRESLEY: Just over 50 percent?

MR. ROWLAND (?): Yeah. The third area, Senator, in the area of policy or philosophy, is the role of the judges. I feel very strongly that it's the judges that should be determining the appropriate disposition for youthful offenders in California, which leads me to my fourth point.

We use the rejection discretion that we have in a very careful, limited sense, particularly in Juvenile Court. The rejection of juvenile court cases is almost nonexistent in the Youth Authority today. We feel the judge getting information from the public defender and the probation officer and the district attorney are in an excellent position to determine what's best for the young person and best for that community. So we reject -- I think last year, we rejected two young people from California's courts. Now we are rejecting more in the adult area.

CHAIRMAN PRESLEY: A few years ago, there were long delays.

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: Is that still the case, long delays being transferred from the local institution?

MR. ROWLAND: No. I think there will be isolated cases. But routinely, the turnaround time by the counties and the Youth Authority is very good.

CHAIRMAN PRESLEY: So the rejection rate is almost nonexistent?

MR. ROWLAND: In the juvenile court area. We'll probably be rejecting 1 to 200 adults a year, because either they've been through our system before and did not take advantage, or we feel they're too assaultive to staff or to other young people.

CHAIRMAN PRESLEY: Adults meaning over 18 and under 25?

MR. ROWLAND: Correct. Correct. The other policy area is early release. We find that completely unacceptable, policy-wise. I think the Board will speak to their strong feelings in that area. Now I want you to know that I support that. I think it's unfair to young people to release them early simply because of crowded conditions.

And the last policy philosophical area is that we feel very strongly that the Youth Authority is not the exclusive domain of government. We feel that the public needs to be very involved in what we're doing. We have expanded the role and legal authority of the State Commission. The Chairperson, Henry Cotton (?), is here today. Mr. Cotton and his Commission have now inspected all Youth Authority facilities except for three of our forestry camps. So they're involved. We have Citizen Advisory Committees that are showing more and more interest and involvement in the Youth Authority. So whatever the Youth Authority is and whatever direction we're headed should not be the exclusive decision-making process of government. We are committed -- past, present, and future -- to involving the public as much as we can in our business.

Let me know now, if I may, Senator, go into how we're currently coping. You mentioned the 140 percent. There are challenges; there is impact because of that. I do not mean to minimize anything. There is significant impact because of overcrowding. I'd like to take five or so minutes to tell you how we're coping the last year or two because our population has increased. As I mentioned already, we're -- it cannot be business as usual. We're changing program schedules; we're using facilities longer days now, into the evening hours; we have searched aggressively, and will continue to

search, for empty beds at the county level. Our successes have not been as great as we would like, but I think they have been significant. We now have a 60-bed facility. We've contracted from El Centro. We have 25 or so beds. We've contracted with, I believe, three counties in Northern California. So we have searched for county beds. That search is almost a weekly activity. And we will continue that 75 or 80 beds we picked up from counties; not only helps us save some bed space, but it gives us greater flexibility both for the Department and the Board in terms of assigning young people as differentially as possible.

CHAIRMAN PRESLEY: Statewide, aren't the juvenile halls equally overcrowded?

MR. ROWLAND: Yes, they are. Most counties are experiencing overcrowding --

CHAIRMAN PRESLEY: But just happened to find three counties where you did have some excess beds?

MR. ROWLAND: Correct. El Centro, Imperial County, had a 60-bed, longer term facility sitting empty that we discovered. And we've made that a girls' treatment program, a drug-related type program.

We've also increased the number of drug programs. This is a length-of-stay issue. The Board, as they should be, are very strong --

CHAIRMAN PRESLEY: Let me interrupt you a second.

MR. ROWLAND: Yeah.

CHAIRMAN PRESLEY: Would you back up to the juvenile halls? Do we know, on an average, on any average day, how many juveniles are in local juvenile halls in the State?

MR. ROWLAND: Yes. And I believe some of your witnesses today are chief probation officers who can give you probably better information than I can on that. But yes, we can take out a day and tell you very --

CHAIRMAN PRESLEY: What would be a ballpark figure?

MR. ROWLAND: Several thousand.

CHAIRMAN PRESLEY: 3500 to --

MR. ROWLAND: That's in juvenile halls. Now there are also county camps after the young person's been through the juvenile hall. And there's, I'm sure, several thousand in those camps.

CHAIRMAN PRESLEY: Let's see. You have 6,000, 7,000 --

MR. ROWLAND: 8200.

CHAIRMAN PRESLEY: 8200? You're higher than even I thought.

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: Your 8200 and 3500 in juvenile halls and --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- several hundred --

MR. ROWLAND: Several thousand --

CHAIRMAN PRESLEY: (continuing) -- thousand in camps?

MR. ROWLAND: Between 3 and 4,000 in county camps.

CHAIRMAN PRESLEY: So you're talking somewhere in the vicinity of 15,000.

MR. ROWLAND: Plus --

CHAIRMAN PRESLEY: Between local and State --

MR. ROWLAND: Yes. Plus --

CHAIRMAN PRESLEY: (continuing) -- in terms of juveniles?

MR. ROWLAND: Plus many group homes --

CHAIRMAN PRESLEY: Yes.

MR. ROWLAND: -- by private providers placed by the -- young people placed there by the Juvenile Court.

CHAIRMAN PRESLEY: Then 58,000 in the State prison system and another 50,000 in county jails?

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: 55,000?

MR. ROWLAND: They have over 100,000 people locked up in California.

CHAIRMAN PRESLEY: Yes, well over 100.

MR. ROWLAND: Well over 100, um-hmm.

CHAIRMAN PRESLEY: Yes, okay.

MR. ROWLAND: We have all -- we have six forestry camps. We've increased the capacity at all of those camps by 100 or so beds system-wide. We've added another 40 to 50 beds in various group homes. We have increased our dorm population from 50 to 70 and sometimes a little more than 70. We're not happy with that, and you're going to hear witnesses today that are very unhappy. And as we increase our capacity system-wide, the relieving of population pressures in our dorms will be our number one priority to cope with. We, we want fewer young people in those dorms. But we've been forced to increase the population in dorms. We've also gone to double celling. We've taken 50-bed units of cells and double-celled up to 80. So we're coping with overcrowding in a couple ways that would not be -- we don't consider real desirable but we feel acceptable under the current circumstances.

We've also, with the help of the Legislature and the administration, have some five 100-bed units in the various stages of planning or design. So we have --

CHAIRMAN PRESLEY: Five what, 100 --

MR. ROWLAND: 100-bed units at Nelles and Paseo Robles --

CHAIRMAN PRESLEY: In the planning stage?

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: But no money to build?

MR. ROWLAND: Yeah. This is Craig Brown, the Chief Deputy.

MR. CRAIG BROWN: Sir, we have, out of the Bond Act, the Legislature last year appropriated 12 million to us. We have money to build the first 200 appropriated. So we do --

CHAIRMAN PRESLEY: You have money for two out of the five.

MR. BROWN: To build. The rest, we have money to get to construction. In the next budget, we would like to continue that process.

CHAIRMAN PRESLEY: With this overcrowding to the extent it is, has that reduced your per ward annual cost?

MR. ROWLAND: Yeah.

CHAIRMAN PRESLEY: It used to be about 29,000; is it lower now?

MR. ROWLAND: If there's any good news of overcrowding, it reduces our per capita cost.

CHAIRMAN PRESLEY: What does it do?

MR. ROWLAND: Cost effective, more cost --

CHAIRMAN PRESLEY: More cost effective.

MR. ROWLAND: Correct.

CHAIRMAN PRESLEY: What is the figure now?

MR. ROWLAND: It's 27,000 --

MR. BROWN: 27 or 28,000. We've had salary raises that would have driven to 29,000 on up, and then we've offset it by the savings of overcrowding. So we're about 28 -- 27 or 28,000 now.

CHAIRMAN PRESLEY: It's still an awful lot.

MR. ROWLAND: So in summary, we've coped with crowding to date through a variety of ways: increasing capacity, program options, drug programs. We, we are still being impacted by the crowding. And we do not mean to minimize that.

If I could go into the Master Plan for a few minutes, I'd like to share with you the premises on which we built the Master Plan. Number one, it is not our desire to build the 3200 beds that we project we will need. It looks like, by 1991, our population will be a little over 9,000. To have beds to deal with that population, we need a building program that would deliver some 3200 beds. We are -

CHAIRMAN PRESLEY: 1991?

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: How far out does your Master Plan project?

MR. ROWLAND: 1991.

CHAIRMAN PRESLEY: Just to '91?

MR. ROWLAND: A five-year plan is requested by the Legislature. We've done some thinking and talking about longer range issues. But in terms of this particular plan --

CHAIRMAN PRESLEY: Have you given any thought to, say, 20 years out with 10 million more people?

MR. ROWLAND: Some thought, but nothing reduced to writing.

CHAIRMAN PRESLEY: It seems like that's crucial that we --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- start doing that.

MR. ROWLAND: Yes, it is.

So we need -- it looks like -- 3200 beds. We're committing in our testimony and in writing that it's not our desire to build 3200 beds. If we can get the 1700 beds on line that we are recommending, that leaves a deficit of some 13 to 1400 which we planned to deal with through, hopefully, some

intensive supervision options that will reduce the need for beds; and there will be some degree of crowding continuing.

CHAIRMAN PRESLEY: It seems like those roll on even -- I don't think any of us want to build any period if we could get out of it. But, but these population projections -- as I say, with the next 20 years -- seem to me it would be wise to plan to proceed building those and doing all the other things you're proposing to do because you're going to have to do it anyway --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- but still get these 3200 in the pipeline to be built --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- because you're going to need them and probably a lot more.

MR. ROWLAND: The second premise of our Master Plan is exactly that, that it's a dynamic document that will be looked at annually, if not more often. And as we see our experiences and our successes and our failures and see what other states are doing around the country, we don't -- we see it as a master plan not cast in concrete. So yes, and we have had more than one meeting on where we're going to be the year 2000 in California.

CHAIRMAN PRESLEY: Let me introduce two senators who have just joined us: Senator Jim Ellis to my immediate left from San Diego, and Senator Gary Hart to my far left --

MR. ROWLAND: Right.

CHAIRMAN PRESLEY: -- from Santa Barbara.

MR. ROWLAND: Very good. The other premise is that -- well, not a premise, but a reality, is -- we've submitted a plan to the Legislature not being insensitive to the lack of fiscal resources. That's why we're proposing 1700 beds at this time instead of 3200. We also developed a plan and submit it to the Legislature under the belief that the current program direction of the Youth Authority is correct. And as another writer said: "If you don't change your direction, you're going to end up where you're headed." I think the Legislature deserves to know the direction we're headed which I think is the correct direction. The one poster that is now displayed speaks of offender accountability, public protection and participation through a range of program initiatives. I'd like to briefly go over some of these because this is the direction the Youth Authority is headed. This is the Youth Authority today and the Youth Authority of the future.

Accountability is a term that we do not just use for speech making. We think it's very honest to tell young people that they and they alone are responsible for their behavior and their current situation. In the 60's it was popular to blame parents and school teachers and churches. We know -- I hope we don't do that very much any more 'cause I don't have one minister locked up or one school teacher or one parent. We have 8200 young offenders locked up. So the emphasis on accountability and individual responsibility will continue. Victim restitution is a part of that. Some young people get paid a small amount of money in our institutions. We now take some of that money; and if there's an outstanding victim restitution order, they get the benefit of paying off their victim.

Employment preparation is no longer just encouraging a young person to get a job. It's becoming a real system. The emphasis on employability and job finding and job seeking and job

retention starts at the clinic process; and we hope, eventually, goes through all the way to discharge on parole.

Competency based education simply means a return to the basics, the basics related to employability. We have made a start in that direction. We have a long way to go, but we feel like it's a very heart of the Youth Authority to release young people that can read and write and fill out a job application and read a bus schedule.

Public service projects in the Youth Authority, we feel, are very valuable to the community and very valuable to young people. We're telling young people, "We think you can accept responsibility and do something positive for Californians."

The work -- number of hours worked by young people in the Youth Authority on a whole range of public projects has increased 100 percent. We're now up to almost 700,000 hours per year which is, as I said, over 100 percent increase.

CHAIRMAN PRESLEY: What would be an example of some of those?

MR. ROWLAND: Cleaning up parks, cleaning up old buildings that have historical value; a parole unit in East Contra Costa helped do some painting. I bet I could give you a list of 100 different types of projects.

CHAIRMAN PRESLEY: Do you get into any of the things that the CCC gets involved in?

MR. ROWLAND: Particularly in the flood control, yes. Sometimes we'll be working right along side CCC and the flood control problems, yeah. But we feel there's some value there. Not only does it help the taxpayer -- we're interested in that 'cause we think it has educational benefit for young people and gives them a little more self-esteem than many of them have when they come to us.

The day labor/ward labor project has been dramatically increased in the Youth Authority, young people helping do maintenance work, construction work, building of visiting halls, on and on and on.

Emergency preparation, we feel like, is our perspective that we want safe, secure institutions. Some people aren't happy about our razor ribbon wire. And I can assure you, we've spent a lot more on education and drug counseling than we have razor ribbon wire. But we are putting emphasis on the latest security measures. Once we get our young people, we want to keep 'em. And we have drastically reduced escapes from Youth Authority institutions. We now have TAC (?) teams in several of our facilities that have training, not only on emergency procedures, but crisis intervention counseling. So we -- we have increased our emphasis on security, and we think that's appropriate in light of the young people that we work with.

CHAIRMAN PRESLEY: Well, that's also consistent with the law.

MR. ROWLAND: Yes, it is.

CHAIRMAN PRESLEY: Your number one priority is protection of the public so --

MR. ROWLAND: Exactly.

CHAIRMAN PRESLEY: Yes.

MR. ROWLAND: Exactly.

The gangs we now figure between 60 and 70 percent of the young people in the Youth Authority either are hard-core gang members or gang associates working to become hard-core gang members.

CHAIRMAN PRESLEY: 60 to 70 percent?

MR. ROWLAND: Correct.

CHAIRMAN PRESLEY: Is that activity following them to the institution like it does in this adult system?

MR. ROWLAND: It's beginning to, yes, yes. We had --

CHAIRMAN PRESLEY: It's a discouraging trend, isn't it?

MR. ROWLAND: Yes, it is, very, very discouraging trend. We've cooperated with a small community in East Los Angeles to get the parents more involved. It's kind of an exciting, quiet program right now. But certainly the Youth Authority or law enforcement alone is not going to solve this problem.

We have -- we've -- we have gained coordinators in our institutions. We've made that a priority to share information with our own staff and law enforcement upon release. We also have a program initiative with the active participation of the YOPB of expanding drug counseling program options in the Youth Authority. We now have somewhere, about 1,000 of our beds are in some way, rather, connected to emphasis on drug treatment, drug counseling.

We now have a couple of specialized sex offender programs. We have several specialized sex offender programs and parole services.

CHAIRMAN PRESLEY: Let me back you up to the --

MR. ROWLAND: All right.

CHAIRMAN PRESLEY: -- substance abuse, if you know. About what percentage of your 8,000 wards come to you having been involved in drugs?

MR. ROWLAND: Officially, as far as a committing offense, I think it's less than 10 percent.

CHAIRMAN PRESLEY: As far as being committed on a drug offense.

MR. ROWLAND: Yes. In terms of their involvement, it's well over 50 percent. Some people say 85 percent. But it's -- it's a very dramatic problem that's going to consume us if we're not careful.

The sex offender program is becoming a specialized focus at Preston, Nelles. And as I mentioned, we're developing, for continuity reasons, specialized sex offender parole caseloads out in the field.

I think I've already mentioned these other things. We've expanded our partnership with private industry.

CHAIRMAN PRESLEY: The sex offender program is designed to do what?

MR. ROWLAND: To provide a specialized focus --

CHAIRMAN PRESLEY: On those that are in the --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- facility on sex --

MR. ROWLAND: Crimes.

CHAIRMAN PRESLEY: -- crimes?

MR. ROWLAND: Came to us for rape or child molestation.

CHAIRMAN PRESLEY: You're trying to break the cycle so it doesn't --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- continue after they're released?

MR. ROWLAND: Yes, we are. We, we have somewhere around 700 sex offenders in the Youth Authority. We have -- as beginning two specialized programs to deal with them, it involves very intensive group therapy, individual therapy.

CHAIRMAN PRESLEY: Do you have any way of knowing your success rate on that?

MR. ROWLAND: No.

CHAIRMAN PRESLEY: Probably not.

MR. ROWLAND: Not at this point. We've been in the business for less than a year. The model parole caseload in San Francisco, in terms of getting young people jobs and keeping them on jobs, is a very significant pilot program. It was based on that pilot that we've expanded the specialized caseload approach to several other communities. The early observations are very encouraging in terms of teamwork with private agencies that provide therapy and law enforcement agencies. The communication and cooperation has dramatically increased.

I'll end on private industry. We now have about 100 positions in the Youth Authority. It's a small but very significant start where young people are on the payroll of a private industry receiving fair market wages of which they pay the Youth Authority a percentage for room and board. They'll pay the victim restitution issue if that's of timely topic. And they'll also have some forced savings upon release. The TWA is, of course, our most popular program. Olga Industries and a micrographics company at -- we have 100 young people on the payroll of a company, one of three companies, that has impact on the rest of the institution because people compete for those jobs; and they're interviewed; and they fill out an application. It's a competitive process. So there's more than just 100 young people benefiting from that program.

That's the direction we're headed. It has -- the direction is a result of the legislative support, the Governor's support. It's a direction we plan to continue as much as we can. The -- which leads me to the strategies. I've mentioned the --

CHAIRMAN PRESLEY: Before you get into that, Mr. Rowland, Senator Ellis has a question.

MR. ROWLAND: Excuse me.

SENATOR JIM ELLIS: In regards to your private industry efforts --

MR. ROWLAND: Yes.

SENATOR ELLIS: -- do they perform this work in-house, or do they leave the premises?

MR. ROWLAND: No. The exciting thing about these, Senator, is that it's work done in the institution, visible to the rest of the young people. There is a special trailer been built at Ventura -- been provided at Ventura for the 25 to 30 reservation agents for TWA.

SENATOR ELLIS: TWA?

MR. ROWLAND: Yes.

SENATOR ELLIS: What's TWA?

MR. ROWLAND: Trans World Airlines.

SENATOR ELLIS: Oh.

MR. ROWLAND: The -- we've set aside a couple of classrooms at Ventura for the Olga Industries garment production that we have going there. And then we've set aside a vocational class and youth training school for the micrographics operation.

SENATOR ELLIS: And that's done right there in-house?

MR. ROWLAND: Yes, it is. The companies have on-sight supervision; they help us with the supervision. Well, they provide all the work related supervision. We provide the security and other support counseling. But that's the beauty of these programs. It's on-sight where young people can see that a job is -- can be a reality. Many of our young people have never had significant jobs.

SENATOR ELLIS: What's ironic -- on two occasions, I, I tried to get through, with Senator Presley's help, a Constitutional Amendment to allow private industry to engage in activities in the prison population for the reasons you're just stating.

MR. ROWLAND: Yes.

SENATOR ELLIS: I couldn't get 'em through the Legislature, or I couldn't get it through. I just told Senator Presley this morning that I was going to try again.

Is it necessary to change the Constitution to allow this since you're doing it?

MR. ROWLAND: I believe it is in the adult area, Senator.

SENATOR ELLIS: Oh.

MR. ROWLAND: We're a youthful offender system --

SENATOR ELLIS: Oh.

MR. ROWLAND: -- committed to training and education. So we do not need -- but I think the adult system would. But I appreciate your interest in this area. I think it's the direction of the future.

SENATOR ELLIS: Well, I'm going to try it again. I don't know if it'll be successful this year either, but we're going to try it. The reason is -- what brought it to mind most immediately -- was just last night, I ran into, so to speak, a man who is 35 years old. And he told me that he spent 19 of the last 20 years incarcerated.

MR. ROWLAND: Yes.

SENATOR ELLIS: And he had no money; he had no place to go; he had no job; and he didn't know how he was going to get a job. And that's what immediately came to mind; and hopefully -- and I'd ask for your help on this bill, if you can, to try to change the minds to see if we can't do what you're doing.

MR. ROWLAND: Yes.

SENATOR ELLIS: And turn some of these folks around.

MR. ROWLAND: Appreciate your interest in this area, Senator. I really do believe it's the future of correction.

SENATOR ELLIS: Okay.

MR. ROWLAND: And if visiting our programs and talking to the young people and the staff that help run those programs would be helpful to you --

SENATOR ELLIS: Where, where should I go?

MR. ROWLAND: You can see two programs at the Ventura School which is at Ventura.

SENATOR ELLIS: Okay.

MR. ROWLAND: And then Youth Training School in Ontario is the other -- the third company. So I'd recommend for starters to go to Ventura.

SENATOR ELLIS: Okay.

MR. ROWLAND: And we'd like to help you set that up.

SENATOR ELLIS: All right. Thank you.

MR. ROWLAND: Let me just briefly highlight what we're proposing in the Master Plan. We've considered -- we feel -- the Plan is based on the belief that the distribution of state and local offender population will pretty well remain constant in the years to come. We -- as much as I would like to say to you fund, early diversion, and prevention programs which we mentioned in the report for at-risk young people, I cannot offer you a program that would impact our bed needs in the next five years. Again, the reports speaks to early release which I do not feel is in the best interest of society or young people. What we are offering is, we would like to build 1700 and some beds in the next five years which would include two 600-bed institutions. If I were king for a day and money was not problems, yes, I would like smaller institutions. But in light of everything that we're facing, I think a 600-bed institution is where we should be going. If we can keep our program emphasis and program options, I think some of those things can be done in a large institution.

We are suggesting that we're willing to gamble on a 1300-bed deficit through the following programs: intensive parole, re-entry/readiness-type furlough approach which would help us, we think, with the cooperation of the Board, reduce our revocation rate to the point that it would save us 150 beds. We want to build on a very successful program, again, a partnership program, on job placement that has been going on for over a year now in East Los Angeles. We think, if we can expand that program, that would save us another 125 to 150 beds. We're interested in some community-based detention options for the Board to give them an option of keeping a young person in their own community but take away some of their freedom without returning them to an institution. That component would include an electronics experiment which we now are close to incorporating with some 20 parolees. We would like to have the resources to establish another parole violator program in one of our institutions. We have two in operation at the present time. These could be a more intensive, more focused, more targeted program to really deal with the issue that brought the young person back to the institution because of the parole violation. That could save us some beds. We want to establish disciplinary work crews in our institutions; so instead of always adding on more time, we could simply add on more work for young people, supervised work in the institution. We think that would save us another 75 or 100 beds through not increasing length of stay.

We would like to add another, we think, some substance abuse programs. Well, the current programs we have, once they become operational and effective, will prevent the need for another 100 or so beds. We would like to -- we would like to continue being careful how we reject commitments. But we do think, with the adult, in the adult arena, we can reject commitments to the point that it

will save us 75 or 100 beds a year. So with the 1700 beds we propose in the plan to construct, with not needing 6 to 700 beds through the alternatives I've just outlined and through continuing some crowding, we feel it's the most -- and continuing our program emphasis that I've talked about -- we think it's in light of the fiscal constraints. And everything we know, we feel like the plan is viable and one that we urge the support of the legislature.

Senator, that pretty well is the highlight of our plan. It took weeks of some very dedicated intensive staff work. But I've pretty well given you an overview. The report includes an analysis -- not an analysis but a listing -- of the program direction of the Youth Authority. Some of the 13 or 14 options that I've outlined have been considered. And we end up recommending the construction of 1700 beds.

CHAIRMAN PRESLEY: How long would it take you to put together just some kind of a -- it doesn't have to be an official plan or report -- something informal that you could submit to this committee outlining about where you think you're going to be in the next 20 years, expanding on that five-year Master Plan?

MR. ROWLAND: I think --

CHAIRMAN PRESLEY: I won't hold you to anything.

MR. ROWLAND: Yeah.

CHAIRMAN PRESLEY: You know, this gets you projecting out there and putting something down on paper.

MR. ROWLAND: I think we have some staff ready to do that. In fact, they handed me a note. In one of our displays in our Master Plan report, if nothing else changes, we'll have 11,000 population by the year 2000. So one of our displays does that. But I do not want to say there's been a lot of thinking and worrying about the year 2000.

CHAIRMAN PRESLEY: I'm not only projecting the numbers but --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- projecting how we deal with it.

MR. ROWLAND: And the cost.

CHAIRMAN PRESLEY: Could you do that?

MR. ROWLAND: Yeah. We have the staff --

CHAIRMAN PRESLEY: Okay.

MR. ROWLAND: -- that are not only ready do that, they would be interested in doing that. We'd be glad to work on that. We'd be glad to entertain any questions that --

CHAIRMAN PRESLEY: One other question I would have for you is your background interest in juveniles, children.

Do you have any recommendations that you would make, you know, based on all your life's experiences, of anything that we might do with parents or in the school systems, to try to keep these people out of your system in the first place?

MR. ROWLAND: I think, even using existing resources, we could do a better job in reaching out to parents of at-risk young people. If school people and probation people and law enforcement people

-- and many are working together in a more cooperative effort, yes -- I think there's a large group of young people that we call at-risk, through appropriate, timely intervention of some type will turn them around and help make them a better system -- and keep them out of not only the State system, but the local system. Runaway young people, truant young people, dropping out young people, victims of some type of abuse young people, young people that aren't turned on to an education -- they're just kind of floating -- those young people can be identified. And they can be turned around. I've seen it; I've witnessed it.

CHAIRMAN PRESLEY: Why don't we do that?

MR. ROWLAND: Well, it's a matter of -- we don't have the -- you know, we have all kinds of statistics on our failures of young people that get into the system. We cannot, apparently, convince the taxpayers to go to the booths and provide money for those kind of intervention/diversion programs. I think it's a matter of priorities. Society is more concerned about the young person that's raping than, tragically, they are about the young victim of --

CHAIRMAN PRESLEY: In all those areas you mentioned, could you prioritize and make your recommendations to the Committee?

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: And a couple of specifics that we've been involved here in the legislature over the last few years -- one is parenting education.

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: Are you supportive of that?

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: Do you think that would be helpful?

MR. ROWLAND: Particularly if it's focused. I don't know that all parents need parenting. It certainly won't hurt 'em. But if we have young people that are at-risk that's always, almost always a part of the family dynamics, there is where we need focused parent education to deal with specific issues instead of more global or generalized issues.

CHAIRMAN PRESLEY: What would you think of teaching just basic ethics, just real basic ethics in elementary schools?

MR. ROWLAND: I think the sooner the better, yes; the sooner the better.

CHAIRMAN PRESLEY: I'll have to elect you governor or something to get those bills signed.

(Laughter.)

MR. ROWLAND: We have a governor that's more interested in young people than anybody I've ever worked with.

CHAIRMAN PRESLEY: He vetoed both of those bills.

MR. ROWLAND: Well, I just wish he wasn't faced with the fiscal constraints that all of us are. If we're not -- if we were unlimited resources, I'd be submitting a different kind of report to this body today.

CHAIRMAN PRESLEY: Well, this is some of the best money we can spend, though, prevention.

MR. ROWLAND: Absolutely.

CHAIRMAN PRESLEY: You know, it saves money.

MR. ROWLAND: Absolutely. If we can just convince the voters and the taxpayers of that in the same way they're interested in building prisons.

CHAIRMAN PRESLEY: Yes. Well, Mr. Rowland, I want to commend you. I think you are one of the department heads who is really sensitive to fiscal constraints.

MR. ROWLAND: Thank you.

CHAIRMAN PRESLEY: And I commend you on your program here. All those efforts that you're making are very enlightening. And I think overall you're doing a good job. And --

MR. ROWLAND: Thank you very much.

CHAIRMAN PRESLEY: -- for whatever it's worth, you can take that to the Governor -- and I think it's being recorded.

MR. ROWLAND: May I quote you?

(Laughter.)

CHAIRMAN PRESLEY: But we do have a very alarming problem, I think --

MR. ROWLAND: Yes.

CHAIRMAN PRESLEY: -- over the next 20, 30 years.

MR. ROWLAND: Yeah.

CHAIRMAN PRESLEY: In the short-term, we're doing some things to try to face up to it. But that's a problem throughout the State on a lot of areas, not only yours, but freeways and --

MR. ROWLAND: Yeah.

CHAIRMAN PRESLEY: -- environmental problems and all those kinds of things. We're just not looking far enough ahead. So that's why I'd like you to look ahead, say, 20, 25 years.

MR. ROWLAND: All right.

CHAIRMAN PRESLEY: Give us some figures; and not only figures but how you would propose to cope with it should it occur --

MR. ROWLAND: Yeah.

CHAIRMAN PRESLEY: -- which it probably invariably will.

MR. ROWLAND: I appreciate that. Obviously, I've emphasized the positive in the direction. I do not mean to minimize the fact that we have gang members; we have gang fights. The weapon -- the assaults on staff for young people involving weapons has not gone up. But the assaults on wards on wards without weapons -- there's been a dramatic increase. We're sensitive to that; we're coping with it. We do not mean to minimize it at all.

CHAIRMAN PRESLEY: Yes. Thank you very much.

MR. ROWLAND: I appreciate your support, Senator. Thank you.

CHAIRMAN PRESLEY: Senator Hart has a question for you.

SENATOR GARY HART: I'd just like to follow up on that last comment, if I might. In reading your testimony, the comments that you make about effects of crowding --

MR. ROWLAND: Yes.

SENATOR HART: -- would lead me to believe, that with this serious overcrowded situation

there, there really aren't any problems, that violence isn't up. And as I read your testimony, you're basically trying to make, you know, lemonade out of lemons; and you think you're succeeding.

MR. ROWLAND: Um-hmm.

SENATOR HART: And it just didn't seem to me in reading this, in terms of the overcrowding, that as a result of this very serious overcrowding situation, that you're experiencing difficulties greater today than, say, before the overcrowding occurred which, you know, I found a little hard to believe. But now you're giving me a little bit -- on your last comment here, a little different indication.

MR. ROWLAND: We have made security and crisis intervention counseling and coping and confronting young people and let them know there are consequences to their behavior. That's almost a daily activity in the Youth Authority. Because of that, we've been able to keep down assaults where there's weapons involved. But I hope the testimony includes the figure of a dramatic increase -- most of it, not all of it -- but most of the young people assaulting each other -- there have been dramatic increases in that, most of it, we think, gang related. The gang situation is a very serious one in the Youth Authority. And I hope in that one --

SENATOR HART: In your testimony on Page 7 -- is that where you're referring to, battery on wards which is --

MR. ROWLAND: Yes.

SENATOR HART: -- up 13 percent?

MR. ROWLAND: No. It's up more than -- I think that's a rate. The -- it's gone from, like, 400 incidents a year to over 1200 incidents a year.

SENATOR HART: Oh, yes. I see that.

MR. ROWLAND: I believe that percentage is a rate percentage.

SENATOR HART: Is a what?

MR. ROWLAND: Rate.

_____: Isn't that what it is?

MR. ROWLAND: 13 percent of X number of --

_____: What's -- what's that based on?

MR. ROWLAND: We're trying to figure out the 13 percent, Senator.

SENATOR HART: That looks like a 300 percent increase to me.

MR. ROWLAND: Yeah; oh, yeah.

SENATOR HART: I don't know what 13 percent means.

MR. BROWN: Senator, it's 13 percent of the disciplinary actions that are ward-on-ward assaults without weapons. That's what the 13 percent rate is. Those are the total disciplinaries in our system; 13 percent are ward-on-ward --

SENATOR HART: I see.

MR. BROWN: -- batteries without weapons.

MR. ROWLAND: No way do I mean to minimize this. Maybe there's a better way to display this. There's been a dramatic increase in fighting and young people assaulting other young people in

the Youth Authority.

SENATOR HART: One of the questions that I wanted to ask -- and this is an area I'm totally out of league on -- I've never been involved in prisons issue -- but I was always under the impression that there are tremendous pressures on the system; that when you have an overcrowded situation, there are institutional pressures to let people go earlier.

MR. ROWLAND: Yes.

SENATOR HART: And you've been experiencing these kinds of pressures. And yet, as I read your testimony on Page 6, at least as it relates to serious crimes, you're instituting policies that are, are directly the opposite of that.

MR. ROWLAND: Correct.

SENATOR HART: It says, "Slated for implementation in the near future, these revisions will increase the amount of time certain offenders spend incarcerated prior to being..." even "...considered for parole."

MR. ROWLAND: Yes, that's correct.

SENATOR HART: Can you explain that, what your rationale is, and what, what the changes are?

MR. ROWLAND: Well --

SENATOR HART: Particularly in terms of consideration.

MR. ROWLAND: The --

SENATOR HART: Why, if we have a more overcrowded would we not even consider one or the existing policies?

MR. ROWLAND: The juvenile justice system, including the Youth Authority -- it's frequently referred to as not being real effective. I think we're probably more effective than some of the publications would indicate. The fact remains, however, that by the time they get to the Youth Authority, they are very serious offenders, many of them, for assaultive behavior. I think we have 500 young people now for homicide. The length of stay is a public -- as far as this administration is concerned -- is a public protection issue. Until we can develop those intervention efforts and programs that will make us more effective, we can at least keep them off of the streets for a while. And I know that's not a popular philosophy with some, but it's certainly popular with this administration, including one of your early speakers, the Chairperson of the Youthful Offender Parole Board. It's the Board's legal responsibility to set that length of stay. I just don't want to hide and say I don't support that. I do support what the Board is doing in length of stay. I don't think to keep a young person for homicide for five years is too long. I think much shorter than that de-emphasizes the value of human life. I think five years for murder is okay. And keep in mind now, our population -- our average age is almost 19. And many of them are for very assaultive, violent behavior.

SENATOR HART: Yes, I just -- it seems to me a little bit of a contradiction. You have all these successful programs that you're implementing -- hopefully successful programs.

MR. ROWLAND: Hopefully successful.

SENATOR HART: And yet, at the same time that you're hopefully having a positive impact

upon these young people, at the same time you're, you're precluding even the consideration for parole.

MR. ROWLAND: Yes.

SENATOR HART: It's not -- it's not just, you know, what the end result is; but precluding even the possibility of -- at least as I read this.

MR. ROWLAND: Yeah. Young people can earn, like say, the length of stay is up to the Youthful Offender Parole Board. And the Chairman is one of your speakers today. The young people can earn time cuts or time credits or program credits if they choose to get involved and try to make something out of their lives. They can cut off some of their time from that length of stay.

SENATOR HART: What was the old policy in terms of consideration for parole, and what is your new policy for, say, murder or, you know, one of these serious offenses?

MR. ROWLAND: Welby Cramer, one of your speakers today, has all of that information, including some visual aids, that he'd like to share with you. I'm not trying to dodge. We are responsible for the programming; the Board is responsible for the length of stay and to determine readiness for parole. Our staff make recommendations, and we're not totally off the hook on this; and I'm not trying to get off the hook. But that is within the legal discretion of the Youthful Offender Parole Board.

SENATOR HART: It just struck me as interesting, that in this discussion called Effects on Crowding -- of Crowding --

MR. ROWLAND: Yes.

SENATOR HART: -- under that discussion, one of the effects of crowding is that you're changing your policy to, you know, to lengthen, which would seem to exacerbate --

MR. ROWLAND: Yes.

SENATOR HART: -- the effects on crowding.

MR. ROWLAND: This administration is a public protection administration. That does not mean we're not interested in young people. I think we are. But previous efforts to close the front door or to let young people out early has no compatibility with this administration, myself included.

SENATOR HART: Thank you.

MR. ROWLAND: Thank you, Senator, very much; thank all of you.

CHAIRMAN PRESLEY: Okay. Dr. Barry Krisberg. Is he here? President of the National Council on Crime and Delinquency.

DR. BARRY KRISBERG: Presently, I'm very -- I'm very pleased to be invited to speak in front of this Committee. And before I speak to the issues of the Youth Authority, I'd like to publicly commend you and your staff member, Jane Henderson, for the remarkable leadership you displayed in the last session passing Senate Bill 1637 which effectively banned the jailing of children in California. You have made child welfare history in California, and the children in California owe you a great debt. And we hope that kind of leadership continues in the years ahead.

Today, I'm being asked to talk about overcrowding in the Youth Authority. But I think overcrowding in the Youth Authority is a symptom of a larger challenge facing California's entire juvenile justice system. It's also the case that overcrowding in the Youth Authority is caused by the

Youth Authority statutory mandate to handle criminal court commitments and transfers from the Department of Corrections. Now the criminal side and the youth side or the Youth Authority are very different issues. And they need to be analyzed and discussed separately. Today, I want to restrict my comments to the juvenile court side of the Youth Authority. But I know other people testifying will speak to the other side of that.

The purpose of my remarks is to share some facts about the juvenile justice system in California, where it's going, to compare us with some other states, to talk about what's going on in terms of what I consider to be a beleaguered system of controlling delinquent youth. And what I would urge you is to adopt a systems approach which looks at the interdependency of the county systems and the state system. To ignore that linkage would be a bad mistake. Secondly, I would urge Californians to adopt a cosmopolitan approach. It seeks out the best in reform efforts in other states and looks at how that might help us.

Let me review some of the data. And I have a data sheet that I'll go through quickly, in a minute. But according to the United States Department of Justice, California locks up more juveniles per capita than any other state. This includes both state and local incarceration. In 1985, a one-day census found 12,524 youngsters in California public facilities at the state and local level or a rate of 430 incarcerated youth per 100,000 in the age group 10 to 17. California's juvenile incarceration rate is twice the national average.

Now it's quite true that California suffers from a high rate of serious and violent youth crime. We are among the top. However, it's also true that states with violent youth and serious youth crime problems comparable to California have incarceration rates that are very different. Again, our number, 430 -- compare that to Texas, 125; Ohio, 230; Michigan, 170; Illinois, 126. So our rate is way up over a lot of urbanized crime prone states. And for the moment, I will leave what that may mean.

There are also many states, such as, Utah, Massachusetts, Pennsylvania, Oklahoma, New Jersey, and West Virginia that possess juvenile incarceration rates that are less than a quarter of the State of California. This is not a new development. California's dubious leadership in rates of juvenile confinement has been consistent for at least the last 15 years.

Now what's been happening recently -- I've passed out a chart which I hope on one page gives you a quick overview of five-year trends. It's labeled "California Juvenile Justice Overview." It looks at 1985 numbers, and it also looks at trends from 1980 to 1985 in the juvenile population, in arrests, petitions filed, and youth in correctional caseloads.

Quickly, what this is showing is the juvenile population that is continuing to decline. Juvenile arrests are going down in all categories, with the exception of drug law violations. Violent -- felonies and violent felonies are going down quite dramatically. And there are fewer petitions being filed in juvenile court. But against that background, we're seeing increases, big increases in juveniles on probation; large increases in juveniles in county facilities; large increases in juveniles in the Youth Authority; slight decline on the parole caseload; drops or holding our own in juveniles going into adult programs.

Overall, on a given day, there are more than 86,000 juveniles in California who are under State

correctional supervision. That represents about 3 percent of our teenage population. If we consider that males make up the majority of that caseload and that youth from minority backgrounds are disproportionately represented, it's probably true, that for minority males, 10 percent of the teenage population is under correctional supervision. Those are, in my mind, very alarming facts. And the trends are certainly up dramatically.

Now again, declining arrests, more kids going into institutions and on to probation, over 3 percent of the California probation youth population under correctional supervision. These data point to a juvenile justice system that's becoming more formal, more restrictive, and more punitive. But at the same time, public expenditures across the board have barely kept pace with inflation, or in some cases, have fallen below inflation levels. So we're falling below inflation in our expenditures and the caseloads are going up. So per kid, we are spending less at the county level and at the state level in terms of real dollars. What this is translating into is probation caseloads at the county level that have crept up to unacceptable levels. It also translates into counties facing severe crowding in their juvenile halls and county ranches. In the last reporting period, the Youth Authority found chronic crowding in local facilities in 11 counties that serve the most heavily populated regions of this state. In Los Angeles juvenile halls, there are hundreds of children sleeping on floor mats for lack of bed space today. Sometimes that goes as high as 400 children sleeping on floor mats.

There have recently been tragic suicides in juvenile halls in San Francisco, Santa Clara, Merced, Los Angeles, and Ventura counties. Three other youngsters have committed suicide in jails in Glenn, Trinity, and Orange county. Contra Costa County has reported an unprecedented increase in attempts. And many, many counties are much more sensitive to the problems of potential suicide attempts in these overcrowded, underfunded facilities. In Placer County, a local grand jury has decried the conditions in juvenile facilities. So the county facilities are hurting just like the state facilities are hurting, and perhaps even more.

In addition, when we look at the recidivism data in a broad brush, a large percentage of youth going through the county and the state programs are getting re-arrested and they're graduating up through the system. So we are hardly operating a system that is protecting public safety if measured by re-offending criteria.

Now why is the juvenile justice system in such turmoil? Well, one thing for sure, public officials have been saying that the public wants to get tough with youth criminals. Now actually, the public opinion polls show a somewhat different picture. The public is conflicted. They want to get tough with violent criminals on the one hand. They believe the juvenile court is too lenient. But on the other hand, when you ask 'em, "What should be the point of the juvenile justice system," they emphasize treatment and rehabilitation. When you ask 'em, "Do you think locking up more kids is going to make you safer," about half of 'em say it will and about half of 'em say it won't. When you ask 'em whether or not employment programs might make a dent in the youth crime problem, a vast majority say it will. So I'm not sure we really know where the public's at on this, but the perception is the public wants us to get tough and increase penalties.

There's also been a decline of funding available for diversion and prevention efforts. Once,

California received millions of dollars from the U.S. Department of Justice to support these efforts. The U.S. Department of Justice has reduced those fundings. Many programs, laudible programs in California, have been cut back and reduced. We are well aware of the fiscal impact on local government of Prop. 13. Probation agencies have been desamated (?) by these cuts, and they've often been forced to retrench their services and have only rarely been able to find the funds for innovative or experiemental efforts. So they've been able to kind of hold the line.

Given the necessary tools and resources, many of California's probation leaders that I talked to say they could do a better job: come up with innovative programs, keep kids out of state insititutions. But up till now, they've been unable to locate the resources at either the state or the local level to try some of those new programs. The crunch on the counties has lead to many counties giving up their camps 'cause they can't afford to run 'em anymore. Some counties are transferring their camps to private agencies. And increasingly, our counties are depending on AFDC money to finance juvenile justice placements because of the scarcity of dollars for the kids who they don't want to send to the Youth Authority.

Now another problem, if I may be blunt, is the failure of state leaders to forge a consensus to recodify California's antiquated juvenile code. It is imperative that an impartial group take a comprehensive look at juvenile court sentencing and especially rapidly escalating lengths of correctional confinement. A recent juvenile court revision commission was mired in partisan bickering, lacked adequate staff, and failed to receive the appropriate executive and legislative branch attention that it deserved. My concern is, that if juvenile justice has become so politicized in California, how are we going to find the new ideas that can better protect the public and maybe offer better services to the most troubled youth?

Finally, juvenile justice officials are clamoring for more information on developments in other states. Many people in the juvenile justice system tell me they don't even know about good programs going on in other counties. Now the Youth Authority runs an extraordinary program called Transfer of Knowledge workshops which should be publicly commended, which brings a lot of information to the local decision makers. That program needs to be expanded and enhanced and not eliminated. We need to figure out how to get policy and program resources in the hands of the people running the juvenile justice system who are judges, probation officers, and people at the local level. They need to know what's happening in other places, and they need to know what works and what doesn't work.

Now let me talk about what's happening elsewhere to give us a cosmopolitan prospective because there are many states that are demonstrating that innovation and creativity are still the hallmark of juvenile justice. States as diverse politically as Massachusetts and Utah have closed down most of their training schools in favor of small secure programs for violent kids and well-structured community programs for other adjudicated delinquents. The research literature -- and I'll be happy to share a summary I've just completed with the Committee on that -- consistently supports the value in reducing recidivisim of small secure facilities for violent youth and the value of well-structured community programs for the property offenders. In Massachusetts, less than 20 percent of their state commitments end up in a secure bed. In Utah, less than 25 percent of their secure

commitments end up in a secure bed. Colorado and Oregon are going in the same direction. Colorado plans to reduce their large-scale congregate training school population in half. Oregon plans to reduce the number of youth in their training schools by 75 percent. These things are going on right now, and I invite you to talk to elected officials and judges and correction officials in these states to hear what's going on.

In addition to that, there is interest at the political level, that is, legislative Governor's staff, in this kind of direction in states such as Texas, Louisiana -- where the oil crisis is creating quite a fiscal crunch -- Georgia, Ohio, Nevada -- next month, I will speak to a governor's conference in Nevada exploring the closing of training schools in Nevada, or at least some of them. We've also got increase from South Carolina, Tennessee, and Delaware. All are interested in moving away from the large-scale warehouses into small secure facilities which provide individualized services and attention. Former Governor Scott Matheson, who spearheaded the Utah reforms, described this new policy thrust as, quote, A Quiet Revolution in Juvenile Justice.

A growing number of professionals and elected officials are supporting the concept of more individualized services and the necessary budget flexibility to purchase these services. Where these approaches have been tried, the research results on recidivism have been very encouraging.

Another development has been an interest in private programs, programs such as the American Marine Institutes in Florida and Texas, Outward Bound across the country, and the Northeastern Family Institute in Massachusetts. They have developed very innovative programs for violent juvenile offenders, and I know you'll hear more about these from Peter Greenwood of the Rand Corporation who will testify later.

In addition, we're soon going to hear the results of a federally funded program for violent juvenile offenders. This was an NCCD-designed effort which tested the idea in Boston, Memphis and Newark, that if you had violent kids in small, staff-intensive facilities and then followed that up with very well-structured and well-done re-entry follow-up services, that those youth would do better than those that simply stayed in the traditional programs. And the preliminary results I've looked at, which will probably be released within the next month or so, suggests that, in fact, that, that model worked very effectively as planned.

There are also exciting new developments from a number of states which are looking at more objective ways of making security classifications, looking at the number of youth who really need secure beds versus those who could, could be handled in some other ways. To the extent that new classification approaches can be applied at both the state and local level, we can improve public safety and at the same time better allocate the scarce dollars we have available to do this.

Now what do I suggest for your consideration? Let me first state two biases or assumptions. First, I believe in California's tradition of strong local self-government. And I think it's particularly critical in the juvenile justice area that we sustain and nurture that tradition. Secondly, that delinquency control efforts must leverage community-based services and community support for troubled youth. Now this last premise is hard to come by. Communities like parents like to throw away their wayward youth. And sometimes there's no option but for the state to take over. But as

with preserving families, the state has to explore all options before it assumes the responsibility for communities, for the care and protection of even their most difficult youth.

With those premises in mind, I'd like to propose five actions for your consideration.

First, I would suggest that the Legislature study the current system for financing juvenile court placements to ensure that juvenile court dispositions are not being driven by fiscal pressures. We may need to consider new ways of financing juvenile programs, a new partnership between state and local agencies in this regard.

Secondly, I would urge that the Legislature ask the Youth Authority to conduct a classification study looking at -- perhaps using its own version of an objective risk assessment instrument to see how many secure beds we really need and how many youth could be served in other places. Now I'm not going to speculate as to what that number may be; but it seems to me, we haven't done it yet. We haven't looked hard. We've heard that a lot of these kids are in for murder, and they're serious. And that's true. But we don't yet know the exact percentage that need to be locked up in a secure bed as opposed to other kinds of placements. And we know from our experience with the Department of Corrections, that when they entered in that kind of approach, they found that a large number of their inmates could be handled in minimum security settings; bigger than they thought; bigger than we all thought. So we need to look at that because that certainly could save big dollars down the road in this kind of program.

I would also urge the Legislature -- launch a demonstration effort to see if we gave one or two counties some enriched resources at the probation level, whether or not kids going to the Youth Authority now could be kept at the local level. Now I would suggest we pick some of our better, more organized probation departments and not pick ones that are in chaos right now because of their overload in caseloads. But I'm convinced that there are probation leaders willing to take up the challenge, that they could do better at the local level. And, of course, there's an interest in keeping a kid in a local program rather than sending him 2 -- 300 miles from his home to a rural congregate place and cutting off a lot of the necessary ties.

Fourth, I'd recommend that the VJO program funded by the Federal Government, which has been given a lot of study and thought, be replicated in the Youth Authority and in the Los Angeles County Probation Department because Los Angeles produces so many of the violent youth that ultimately bubble up into the Youth Authority. That program suggests that both shorter lengths of stay and, and, and, and other kinds of approaches may produce better results.

Finally, I would urge that the Legislature work with the Governor and the Attorney General to initiate a bipartisan and independent inquiry into sentencing practices in the juvenile court. And attention must be played to current and alternative methods of determining appropriate sentence length.

It seems to me that California is indeed at the crossroads here. And Senator Presley, you're right, decisions that are going to be made in this term or the next term are going to affect the scope and shape of juvenile justice in this state probably for the next 20 years. And we need good information on how to make those choices. And the issue really is protection of the public -- how can

we make the public safer. My personal bias is that meeting the needs of troubled youth is one component of that. But we have to make sure that we're, we're, we're -- we put public protection and public safety on the top of the list. And in a system which is as chaotic as I think this one is becoming, and with the breakdowns that are happening at the local level and the continued high rates of failure in all these programs, I don't think we're serving the public well by just investing in a system that is not producing public protection, at least in terms of the numbers that I'm looking at.

Thank you very much for your attention.

SENATOR ELLIS: Doctor, you indicated in your testimony that some of the other states are more progressive and that the incarceration rate is lower in Michigan, Ohio, Illinois, and places like that. The information from the Youth Authority indicates that only 1 percent of the juveniles who are arrested actually find their way into a secure facility. And that of all of the petitions filed, roughly 30 percent of them find their way into a secure facility. That seems to be consistent with the figures you gave us for the other states.

Would you clarify your position a little bit on that?

DR. KRISBERG: Okay. Well, first of all, in almost any state, if you started with the number of juveniles arrested and you asked the question, "How many of those youth are ultimately petitioned and sentenced to a state facility," those numbers would be very small in all states 'cause large numbers of juvenile cases are dismissed; roughly half the referrals to the juvenile court refer -- result in an informal or dismissed disposition in most jurisdictions. So there's a big fall out, just like in our adult systems. So when you start with the arrest base, you're doing that. And so that's true. My incarceration figures that I mentioned take into account the incarceration systems that we have at the county level. There's, there's -- there are more kids locked up in the counties than there are at the state level. So if you put those things together, California comes to the top.

Now in these other systems, it is true that they are -- they are relying more on probation; they are relying more on private programs; they're using a number of placement in private programs; and they are relying less on, on, on incarceration, particularly, at the local level. California -- 30 percent of all the kids in detention in juvenile halls in the United States are in California juvenile halls, even though we have about 10 percent of the youth population. We have a lot of juvenile halls, and we fill them up. Any many other states have different policies with respect to the use of pre-trial detention for juveniles and alternatives. And that, that, that accounts for a lot.

Let me give you one example. In Genesee County, Michigan, which is about the size of Sacramento County, on an average day in their detention center, they have one kid in detention. Now in Sacramento, the number's probably 200, 250. California --

SENATOR ELLIS: How many --

DR. KRISBERG: (continuing) -- has historically had a very --

SENATOR ELLIS: How many arrests do they have in that county?

DR. KRISBERG: Well, Genesee is probably comparable to Sacramento. Flint, Michigan, is the main city. It's -- the crime problem in Genesee is probably -- it's a different philosophy. They use shelter programs more; they use crisis prevention.

SENATOR ELLIS: So the arrest, you say, would be about the same?

DR. KRISBERG: Probably, yeah.

SENATOR ELLIS: And then -- but from there, your position is, that rather than to secure them in a facility that they -- other programs should be used as they use them.

DR. KRISBERG: Yeah, we're talking about programs. By the way -- and I should clarify -- the altern- -- I think the first issue which I want to reemphasize is, that for violent offenders, the research and the evidence is that we need small programs, living units no more than 20, very staff intensive. Now Mr. Rowland is right -- these are expensive. But they produce results. And when Californians go around and talk about the size of our institutions, people in other states are boggled by the numbers. They can't believe 'em. I know of no states that have institutions of -- juvenile institutions of the size of ours.

The other programs I'm suggesting often have residential components, often have levels of surveillance as high as house arrest; require caseloads of sometimes one adult, one child. So these are programs where these youths are held accountable. But they're also in school; they're also able to link up back with their family. But they are -- they are under very tight, tight strings and great deal of surveillance and control is being placed. In some of the private programs, wilderness experiences are used in lieu of institutions. One of our -- I mean one of the persistent findings of institutions for the last 30 years has been that large-scale institutions breed harsh, antisocial cultures among the inmates. If there are gang influences, institutions multiply those influences. And so even the best staff, committed as our CYA staff are after treatment, are just overwhelmed by the facts, that if you take a lot of serious juvenile offenders and you put them together in one place, there's going to be a negative peer influence there that is going to be very difficult to overwhelm and may be as important in the lives of a ward than the treatment program. It doesn't mean we're not doing treatment. We're trying our darndest. But that institutional setting, large numbers of kids together, is a loser. And that's why states are moving to these smaller programs because you can break up the peer culture; you can focus your attention. And I think a lot of states are coming back to say, you know, individualized, kid-by-kid analysis of what they need is where we have to go.

In one state, I heard the Director of Corrections say, you know, if your kid was in trouble, would you take him or her and 25, \$30,000 and deliver 'em to a state training school -- 'cause if you're willing to do that, that's fine. But if you wouldn't personally do that for your kid, then there have got to be some options. And the Senator, I think, was right when he raised the cost factor, at the price tag that we're paying; we could be sending these kids to Stanford or USC. And we have to start asking some hard questions of accountability. And I'm not blaming the current administration of the Youth Authority. I think they're doing a good job under tough, tough circumstances. But we have to ask a question: What is California getting for this; and could we, for the same dollars, do better? I'm not recommending that we cut our funding. That would be a disaster. But I think we have to look at new ways of investing this money. If you had a stock portfolio and you put all your dollars in one stock, that would not be a real smart approach, not in today's market. You want to diversify; you want to be able to get the secure psychiatric services for the kid who needs it on the one hand; and

you need something else for this other kid. And the minute we get away from a kid-by-kid analysis -- youth-by-youth analysis -- the minute we start treating human beings as just, you know, broad categories that, you know, we handle, I think we're missing the boat. And I think we're -- that's -- that's, I think, what's behind -- that's why places as conservative as Utah, Oregon, Colorado, South Carolina, and Texas are moving in this direction. Also, fiscal pressures.

CHAIRMAN PRESLEY: Senator Hart.

SENATOR HART: When you comment on the costs on these other states, you're saying -- in some instances -- you're talking one-on-one. I presume, that if you do that, that's going to be more costly than what we're doing here in California.

Do you have any cost comparisons?

DR. KRISBERG: The experience in these states -- now the best thing I can say is you have to compare these states to themselves, that is, before they went this way to the way they are now because Oregon costs are not California costs. So there are a lot of things that have to be factored into that. But in all of the states that have moved in this direction, they have found basically no fundamental change in their cost; that is, they've reallocated. Expenses have not gone up. They, they, they've stayed the same in the short haul; and there are projections that they will go down because as you close -- I mean what they're doing here is they're, they're not expanding their public system. They're putting their dollars in the private sector essentially, nonprofit and private agencies where they have great flexibility. What's happening over time then is some of their costs may go down. And to the extent that they're averting construction costs, they may be engaged in real savings. But I think most of these people are saying: This new system is not necessarily going to be a lot cheaper, but it will be more effective.

The research data that I've looked at in Utah suggest that these programs are more effective.

SENATOR HART: What does that mean, "more effective," than the lesser recidivism rate?

DR. KRISBERG: It means a drop in the rate of offending; the youth seem to commit less serious -- less serious -- less serious kinds of crimes. That is, to expect that the deep-end kids are just going to quit is unrealistic. And I think you'll hear that from a number of people. By the time youth come to these training schools, they've been to the court 10 times. They've been in institutions a variety of times. Their family life are fractured in many instances. They use drugs drugs extensively, at least half of them. Many of them -- maybe even most of them -- have been subject to physical abuse. You don't expect miracle cures with youth that have had those kinds of experiences and are going back at the neighborhoods that are going to reinforce their thing. But --

SENATOR HART: How can the recidivism be --

DR. KRISBERG: -- (continuing) _____ (cross talking) drops --

SENATOR HART: How can the recidivism be -- I mean the philosophy of this administration, as I would understand it, hey, these are bad actors; off the streets, you know; we don't want to deal with them. At least -- at least we know, that while they're locked up, they're not going to commit crimes. And you're saying you've got lesser recidivism rates when some of these folks are out in the community. I don't understand how that can be. If they're out in the community going to school and

they're dealing in a drug culture and with the gangs -- over 50 percent are in gangs, we're told -- that's gotta mean more crime than --

DR. KRISBERG: Well, in the --

SENATOR HART: (continuing) -- someone who's locked up in some isolated place, doesn't it?

DR. KRISBERG: If you -- if you locked up everybody, you could, for that period of time, with respect to the community, you could reduce the recidivism rate to zero. But those people are coming out. We talked about -- you heard about murderers serving five years. But a lot of the Youth Authority people serve a year, serve less than 18 months. They're coming out. And the research suggests, that when they come out, they go back and start committing crimes again. So we're, we're accomplishing a short-term savings; that is, we're transferring from one set of victims to another. That is, while we're keeping 'em incapacitated, we're reducing the crime during the period they're incapacitated. But if when they come out, they continue committing crimes at the same rate, then we're just pushing the problem into the future. And with juveniles, they're going to be around for a long time. We're talking about persons that are going to graduate up to that adult system.

In Massachusetts, the preliminary data suggests that the number of their graduates from the youth system who go into the adult system has been consistently declining. Now again, some of these results are early. And I am not recommending that overnight we transform the whole system of juvenile corrections of this state. What I'm saying is there's such good promise in these programs, consistent research results showing drops in the rate of offending of youth who go through these programs, that we've got to start demonstration projects testing. And in the next couple of years, if we see good results, then I think the Legislature can move in a fundamental direction.

SENATOR HART: See, I was under the impression that we don't know what works, nothing works. But, you know, the old liberal dream of, you know, you can do some of these things -- all the indications are that recidivism rates are not down. And you're saying that in these states they're having some dramatic -- or some successes -- and that this approach of more than warehousing, there's something that can be gained from that.

DR. KRISBERG: Yeah. I think that the "nothing works" prospective really has to do with a body of research, which really quite old now, that had to do with group counseling and mostly psychological therapy approaches. What we're seeing is a new version of dealing with these youth that focus in on very stringent controls, although not necessarily using bars and concrete. During a period of their lives that's very chaotic, combined with wilderness experiences, educational experiences, family work that's more focused than before, I think we've come up with -- you know, since Bob Martinson (?) wrote his article in 1974, I think in a decade, our professionals have come up with some new ideas and some new technology. And the results are suggesting that that work is producing. The other thing is that -- is that what we're learning more and more is that re-entry after care services is a big issue here; that no matter what you do to kids in the short-term, you might produce some progress but they start slipping once they go back into the community. And we have to put a much greater emphasis at all levels -- local, state -- in resources on that re-entry process; 'cause where we invest in re-entry, then you're going to see -- you're going to see real public

protection.

SENATOR HART: Last question I had, Mr. Chairman, if I might, is in your recommendations Number 2, you said: "The Legislature should ask the Youth Authority to conduct a classification study using its own version of an objective risk assessment instrument. This study would tell us how many secure beds are needed and how many youth would be benefited from some other placement."

Did you say that we don't have any such system we don't know today in California, how many people that are in the Youth Authority really need to be there in terms of, you know, of security with all of this overcrowding? We don't have any classification system that ranks these people in terms of, you know, how serious an offense they have or --

DR. KRISBERG: There is a classification system that's been in place for a while at the institutional level. And I think Youth Authority people, you know, should describe that and probably have more details on it. However, the trend in the country is to move much more towards an offense-based objective system which looks at which kids need a secure bed and which don't. And where they'd move --

SENATOR HART: I'd just assume that everybody who was in the Youth Authority, given the overcrowded, was there because they were, you know, a real bad actor.

DR. KRISBERG: Well, you know, in the State of Colorado, they assumed the same thing. And we came up with them and developed an instrument for screening their cases which, by the way, had the support of prosecutors, law enforcement people, and judges. And when -- and they were putting about two-thirds of their kids in a secure bed at intake, into a locked, closed setting. And when they applied this instrument -- which, again, they developed themselves with the input of prosecutors and other people -- to those kids, they found that only a third scored needing secure beds. So -- and again, we've had this -- we played this out in terms of the Department of Corrections years ago; when we moved towards a more objectivized system of handling this, we found that there was a movement downward in the custody level. We found that there were a sizeable number of inmates who really required minimum custody much more than we thought. Now I'm not saying -- those numbers may not be very large. They may not be as large as I'm describing in these other states. We have a lot of bad actors in the California Youth Authority. But until we really determine that number, we need to see how many of those kids could function in private programs, in other kinds of programs. Certainly, other states are doing that right now, states with as complex problems as California.

I'd be happy to share with you the work that's going on in Texas right now --

SENATOR HART: Okay.

DR. KRISBERG: -- where they're -- where they are developing these kind of instruments to make these kinds of decisions. I think, if applied, done by the great professionals that we have in the Youth Authority, we would find out that some percentage -- and I'm not willing to speculate -- of those youth could be housed in other settings.

SENATOR HART: Thank you, Mr. Chairman.

CHAIRMAN PRESLEY: Mr. Rowland, we asked you to give us a couple of reports a few minutes ago. Could you also give us one on your classification system so that we can coordinate that

with Dr. Krisberg's recommendations?

I think you've given us some excellent food for thought. What I think you've done, you addressed the problem of how you protect society; how you rehabilitate; all of these things are within the fiscal constraints that we're facing. Then the other issue that I think you're raising that's important, and that is, other states are treating this problem differently -- and according to you --successfully with a lower incarceration rate; and therefore, probably a less costly approach. So to the extent that we can bring any of that to bear here in California, we ought to be trying to do it. And your recommendations are laid out very well. And to the extent that we can, we'll pursue those with Mr. Rowland. I'm sure he's interested in the same thing.

Thank you very much.

Mr. Greenwood is not the next witness, but he has a time problem. And we'd like to take him next. He is a researcher with the Rand Corporation.

DR. PETER GREENWOOD: Thank you very much, Senator Presley, other Committee Members. I appreciate the chance to address you on this subject. Much of what I've been able to learn about rehabilitation of juvenile offenders I learned a few years ago in the study that we at Rand did for the California Legislature on this issue of what to do with chronic juvenile offenders. And I've been able to follow that up now with funding from the Office of Juvenile Justice. I'll just mention my testimony. I've been asked to focus on the issue of the contribution that private sector providers might be able to make towards relieving overcrowding in the Youth Authority.

My -- the basis for my comments are the study that we did in '82 and '83 for the Legislature. Research that we've done subsequently on some of the private providers who are active in the State, Vision Quest (?). We've completed an analysis of the first 90 youths committed to Vision Quest (?) from San Diego County. And we're now working with the Office of Juvenile Justice in Delinquency Prevention on an evaluation of three private providers throughout the country; one in South Jersey run by RCA Program. These are all programs run for kids who would be in training schools were they not in the private programs. One called New Life, which is in Ohio, southwestern Ohio; and a third program is funded by a California foundation, the Seever (?) Institute, and is in Los Angeles County, handles juveniles out of the L.A. Juvenile Court; and that's NCIA which, Senator, you're familiar with 'cause you're on the board of that institution. And we assign the youths to those programs on a random basis and follow them through. They're all in the mid-course now of their program, the controls and the experimentals.

I'd like to begin first with the question about why California should be interested in private sector programs for handling seriously delinquent youths. You've heard Dr. Krisberg's reference to what's going on in other states. First of all, I think the current overcrowding in CYA, local halls, and camps all beg for some other solution. You can't talk to probation officers, anybody who runs facilities, without their first concern is how to relieve this problem. The second reason to look towards the private sector is, I think, demographic trends over the next 10 years say we're going to have fewer youth; we're going to have fewer minority inner city youth; there are going to be fewer youth coming into the system. And this demographic trend -- and for crime purposes, I'll call it a

favorable demographic trend -- begs for non-capital intensive solutions to build facilities now that will come on line in five or six years; unless we dramatically increase length of time served, there's a good chance that those facilities might not be needed.

Number 3, recidivism rates among California Youth Authority releaseses, which indicate that the YA is not having as much of a positive impact on many of their lives as it might -- Jim Rowland mentioned the figure of 50 percent. That's a study that happened, and in justice did, for the Youth Authority, their Youth Authority employees. 50 percent re-committed to the CYA or State Prison within two years. That's a pretty high-risk group. The re-arrest rate is up around 75 or 80 percent. Particularly, one group we've been able to look at are the group that were offered Vision Quest (?) placements in San Diego and refused to take them. Vision Quest (?), like many private providers, is a voluntary program. The kids get the option. The kids who didn't choose Vision Quest (?) -- 80 percent were re-arrested within the first year after they went to the YA and released. So the re-arrest rate is up around 75 or 80 percent which is pretty typical for probation and for training schools.

And finally, I just want to reiterate the experience that Dr. Krisberg mentioned of what's going on in other states, particularly, Massachusetts, Utah, New Jersey, Florida, Pennsylvania -- all states that are moving towards greater use of private program because of the flexibility they provide and their belief that they're getting better, better programs for their dollar. For instance, Massachusetts, which I just recently visited, has 170 secure beds compared to California which has about 10,000. Now Massachusetts is a little bit smaller. It's only one-fifth the size. But we have 10 times as many beds, secure beds, for juveniles. And the way they get around it are a variety of staff secure programs which I'll describe.

Also, there is beginning to be some evidence that the private programs that are out there are producing effective results. In Florida, the State's, State's Attorney just completed a study of recidivism rates for programs in Dade County. The State's Attorney is the prosecutor in Florida. And they discovered that the Dade Marine Institute, which is a division of Associated Marine Institute, produced the lowest recidivism rate. Twenty-six -- only 26 percent of their youths were re-arrested within the first year; 48 percent was the average for other placements in Dade County. Our study of Vision Quest (?) in San Diego discovered that the youths who went to Vision Quest (?), as opposed to the CYA or to a probation camp that San Diego had run in the several years preceding the time that they first began to place youths in Vision Quest (?) in 1981, showed that Vision Quest (?) youths were re-arrested -- 25 percent fewer were re-arrested in the arrest rate amongst those who were re-arrested was 25 to 50 percent lower than those who went to the probation camps. Probation camp youths re-arrested -- about 72 percent in the first year of Vision Quest (?), down about 54 percent. So private program -- not making these kids angels by the time they come out because they're pretty tough kids -- but making some inroads into the very high recidivism rate.

The next issue I'd like to discuss is how could California go about utilizing private sector programs.

CHAIRMAN PRESLEY: Before you get into your next area, I'm going to ask you a couple of questions. If we follow that apparently positive trend of private people like Vision Quest (?) and

others doing this -- at least a better job than governmental agencies are doing -- why don't -- you almost asked the question: Why doesn't Government get out of this and let the private people do it? But I guess the better, more specific question is, if all this is the case, how are they able to do it? Why can they do it so much better than, say, the Youth Authority? Is it because of the --

DR. GREENWOOD: I think --

CHAIRMAN PRESLEY: (continuing) -- smaller numbers, or they're not as structured by red tape and legalistics?

DR. GREENWOOD: When you want to get a package somewhere overnight, do you go to the Government or do you go to some private agency? This is an example, I think, where a variety of entrepreneurs come into the business; there's competition amongst those agencies. In Massachusetts, they constantly call out the ineffective programs. And so you are left, after a few years, with programs that are effective. You get to see the managers who run them -- if a halfway house doesn't look good -- if the kids aren't responsive. So it's letting the market operate rather than having a simple monopoly that doesn't get to change.

CHAIRMAN PRESLEY: All these people are put there by the courts, right?

DR. GREENWOOD: The youths in the programs we're talking about are committed by the court. In Massachusetts, they're committed to the Department of Youth Services just like in the State of California. But instead of being then placed in an institution, that group sits down and says, "What's the most effective program" out of 70 different programs they have from halfway houses to tracking programs that'll provide the one-on-one supervision you heard in the community. You don't hire --

CHAIRMAN PRESLEY: It's done --

DR. GREENWOOD: (continuing) -- that worker full time.

CHAIRMAN PRESLEY: It's done by contract?

DR. GREENWOOD: Yes.

CHAIRMAN PRESLEY: So that's the way Government exercises its responsibility for this problem?

DR. GREENWOOD: In Massachusetts, the Department of Youth Services spends about 80 percent of their budget on purchases services.

CHAIRMAN PRESLEY: You indicated the trends you thought we might overbuild. That's what people used to say about the state prison system all the time, too. That has not proved to be the case yet. And you also indicated, that because of the age level of the juvenile, it is going to be less.

Could you elaborate on those two things? For example, what does Rand Corporation show in terms of population in the State of California in 20 years?

DR. GREENWOOD: I'm sorry. I can't provide that answer to you right now. I couldn't; my population man was out of town when I tried to put this together. But I know that the total number of both juveniles and the high-risk group of juveniles -- inner city, minority youths -- are both on the decline and will be for the next --

CHAIRMAN PRESLEY: Why is that?

DR. GREENWOOD: Pardon me?

CHAIRMAN PRESLEY: Why is that? I wouldn't expect that to happen. So why is that?

DR. GREENWOOD: It's -- it's the -- it's the baby boom shape of the --

CHAIRMAN PRESLEY: Why are they leaving the inner cities, I guess, is the problem?

DR. GREENWOOD: I'm not saying they're -- it's the -- it's the characteristics of the birth cohorts that are coming through. It's just the shape of the demographics --

CHAIRMAN PRESLEY: Do you take into consideration the rise in the Hispanic population, the Asian population that everybody's writing about how, you know, over 50 percent minority and, what, 20, the year 2000, something like that? Do you take that into consideration as well?

DR. GREENWOOD: I haven't done a careful study of those statistics right now, and so I don't want to go any further than I've just gone to indicate. As far as I've looked at the figures, for both the nation and California, expect to see a declining youth population for the next five years. But I can check on that, if you care --

CHAIRMAN PRESLEY: I wish you would because, if that could be established, that would go a long way toward our planning because I would be very, very skeptical of your projections because I just think you need a lot more in-depth of a number of these factors that we've discussed.

The Department of Finance here who does a lot of projections are telling us, in 20 years, we're going to have 10 million more people. Well, we don't know the makeup of that, or we don't know the age population. But 10 million people -- there are going to have to be a lot of law violators out of 10 additional people. You add 10 million on top of 27 million, and we're up to 37 million people, a lot of problems.

SENATOR HART: Mr. Chairman, on the schools --

CHAIRMAN PRESLEY: 20 years.

SENATOR HART: On the schools, we're adding 100,000 new kids to the school system every year now in California. We've added -- it's -- I mean there may be -- at the junior high school level now, there may be a decline; but boy, kids entering kindergarten for the last four years, I mean there's been a dramatic increase. So there may be a slight decline in the next five years; but 10 or 15 years from now, the number of new students and the high number of minority students, I think, is going to increase dramatically.

CHAIRMAN PRESLEY: Would it be possible, Mr. Underwood (sic), for you to pursue that a little further --

DR. GREENWOOD: Yes, I would.

CHAIRMAN PRESLEY: -- and send us a report on it.

DR. GREENWOOD: We will.

CHAIRMAN PRESLEY: It might be very helpful to us if you could do that.

DR. GREENWOOD: The main point, though, is if you're not -- if you're not absolutely sure of your population projections, turning to the private sector does provide you with some flexibility because you can buy programs for limited periods of time.

Now let me address the issue of how California can go about utilizing private sector

programs more effectively, or at least more than it does now; because as Dr. Krisberg has mentioned, we are amongst the states who use private programs amongst the least of most of the states in the nation.

One thing that could be done would be to ease the licensing restrictions on programs to permit alternatives to the current group home format. In California, licensing of private juvenile correction facilities is controlled by the Department of Social Services, not the California Youth Authority. DSS is not used to -- not used to dealing with serious delinquent youths. And for instance, one DSS regulation, I'm told, requires, that any youth who's involved in a physical incident be expelled from the program. This is just simply an unrealistic position to take when you're dealing with the type of kid who would be in the California Youth Authority. So the restrictions -- for instance, in Massachusetts, it's the same Department of Youth Services that does the placements who's also involved in the licensing because they're serving their own ends in the kinds of programs they need.

The second point that Dr. Krisberg mentioned is the need to provide state reimbursement for nonresidential-type programs. We have an example right now. One of the programs we've been tracking is the Associated Marine Institutes that started in Florida but now has grown to Texas, Delaware, a number of other places. There's active consideration of an AMI program in Monterey funded by the Packard Foundation, people from Monterey that judges, Board of Supervisors, probation officer had been down to visit the program. One of the issues is who's to fund that program when the Packard no longer supports it -- kids that Monterey County sends out of state to group homes to reimburse 97 percent -- if they put the kids in AMI, they'd be picked up at 9 o'clock in the morning, programmed throughout the day to return to their homes -- the County would have to pay 100 percent of that -- of that funding. That's the perverse kind of incentives that Dr. Krisberg mentioned that leads to either home on probation or state incarceration and not much in between because of the cost of funding those programs.

The third approach the state might take is to form a private sector placement commission or some such body composed of CYA officials, legislators, judges, prosecutors, probation officers, everybody concerned with the placement issue, to look at the programs, the claims, the activities, and finally, the cumulative success rates of the many private programs that are available now within the state, to try and provide some consistent information to the consumers, the judges, and the probation officers who tend to use it; because one of the characteristics of this private market is they behave like private entrepreneurs; they make claims that are difficult for any one particular judge to sort out. It would be very helpful to have a body who could pull this information together.

And finally, it might be necessary to form a private sector counsel which includes representatives of some of the private sector providers to deal with legislative licensing issues that now seem to prevent some of the programs that people in this state want to use. Whether or not you're aware of it, there are many counties now that are exporting use to Arizona, to Nevada, to Utah where programs of the kind they like are licensed and can be operated but can't be operated in this state, such as the wilderness programs, such as secure 24-hour schools.

Now what about funding? How do we pay for such programs? Well, I think there is some

question about how much it costs to keep a youth in the California Youth Authority. You've heard the figure today -- 27,000. I've heard up to 32,000. I'm not sure whether that factors in all the retirement benefits. The point is, that around \$30,000 a year, you can find many _____ people who would be willing to operate programs who will handle these youths. The two programs we're evaluating in Cincinnati and the one by RCA in South Jersey operated at a cost of about 50, \$60 a day which is less than we're talking about for what it costs to keep youths in the CYA. So that kind of dollars will bring people into this business to pay for it.

What can California reasonably expect to gain by encouraging and utilizing more private sector programs? And I'm not saying to completely abolish the CYA and send 100 percent of our youths somewhere else, but to go up to 10 or 15 percent.

Question?

The one thing we might gain is, clearly, that we're all looking for, is an increase in the available beds or slots to help reduce overcrowding. Some of those might be community supervision slots. I mentioned one of the programs that Massachusetts uses which they call Outreach and Tracking. It's small caseload, five to seven use per tracker. They cost the State of Massachusetts about \$7,000 a year for each slot. If the child has a home -- if there is a school that he can function in and all he needs is more intensive supervision -- 7,000 is clearly more efficient than spending 30,000 for residential placement. They'll get -- the state would get greater diversity, or increased diversity, in the types of programs that are available -- Vision Quest (?), Outward Bound (?), Wagon Train (?), Wilderness Concept -- some of the programs. Los Angeles has sent some youths to Delancy (?) Street which runs a facility for juveniles now in New Mexico which is more or less a job training site where they work in a program there.

Associated Marine Institute is a day program where the youths are picked up at 9 o'clock in the morning; taken home at 5 o'clock in the afternoon; programmed intensively during the day, also on weekends; but they reside at home which cuts the costs.

New Life's (?) Program in Cincinnati -- they took over a sports camp and have 35 to 50 youngsters out in a wilderness setting. That provides the security. And they engage in special education and job training activities there. Outreach and Tracking, I've mentioned.

But there are a wide variety of options that simply aren't available now because we have one or two organizations providing much of the care. And by bringing other people, you get their ideas; you get the benefits of their experience somewhere else. So that's the third reason to bring in private contractors, is to provide the state with a window on the new emergency -- emerging treatment technologies. We hear the ads on the radio about new programs, medical programs, that are available for alcohol and drug abuse, new programs that are available for acting-out teenagers where third-party insurance pays up to \$300 a day for some behavioral health system programs. Those are all kinds of ideas that the state needs to take a look at and would be available for testing if more use was made of private sector technology.

And finally, I think, the one thing the state -- the state train -- stands to gain by greater use of the private providers is greater management and programmed flexibility than is now, is possible with

a single-monopoly organization. And what the State of Massachusetts has found now, when they first closed the training school, they had 2 or 300 programs that were providing services. They're now down to a core of about 60 or 70 programs the Department of Youth Services contracts with on a one-year or up to a three-year basis. Every year they may turn over 10 percent of those, closing down programs they don't find effective, going out with an RFP and having new providers come in. The programs are well policed, well supervised, well monitored; there's no problems of corruption; there's no problem of the kids -- problems going on. When a private provider screws up -- when somebody decides that supervision is inadequate -- you can have the youths out of there in a day. They've had that experience in Massachusetts, and California's had that experience. And its use --one of the most recent ones is a program called Rights of Passage which is located in Nevada. San Diego started to commit some of their youths there. The court became concerned about some of the practices; and one day, the kids were on the bus and back in San Diego. So it gives the court, local probation -- whoever's supervising the programs -- great flexibility in responding to problems in this system, adjusting it to new priorities.

So I think the private sector, in addition to all the other reasons, is a good -- is a good way to go to provide more flexibility in the system.

Thank you very much for listening to what we've been able to learn on this subject. And we hope to have more in the next few years.

CHAIRMAN PRESLEY: Thank you very much. I think you made some really good suggestions to us that we will want to pursue.

DR. GREENWOOD: Thank you. And I'll check on those population figures.

CHAIRMAN PRESLEY: Yes, I would like to have that. I guess one kind of hidden figure here that you mentioned right at the end -- and while it may be 7-8,000 for some outfit that's doing this -- you do have the additional cost then of probation or court supervision, I suppose. Maybe that's built in. I'm not sure.

DR. GREENWOOD: That's true. That is an additional cost.

CHAIRMAN PRESLEY: Yes. But you're right -- \$27,000 per ward per year -- you'd think there'd be some business-enterprise-type people out there coming up with some programs to try to entice the state to contract out to them. Maybe they ought to go into that business.

DR. GREENWOOD: They're trying to do that now. Right now, they find it more easy to do that in another nearby state and have the kids sent to them because there are licensing laws.

The last figure I'd like to mention is an analysis we did of what are the crime reduction effects of this kind of rehabilitation? Suppose you can reduce arrest rates. And what we found -- basic two options being talked about in terms of protecting the public because that's the goal -- that's the goal of everybody within the criminal justice system. One way is to lock these kids up for longer periods of time. When you identify 'em at 18 years old as chronic offenders, you lock 'em up for longer periods of time. We're doing that now. And one of the options we look at is, suppose we double their terms. Every time they're arrested and convicted, we double the length of time that they're serving. Our estimate was this would increase the number of people locked up by about 6 percent and provided

by the 5 percent reduction in crime. If we turned around and said, suppose we were successful when these kids were 17 years old and we reduced their crime rate, not to zero but reduced it somewhat below it is now when they come out. How effective would we have to be to match that doubling of terms, that incapacitation effect? It turns out that programs have to reduce subsequent arrest rates by about 33 percent. They don't have to make the kids perfect. They only have to reduce their future crime rate by about 33 percent. I think the numbers we're seeing now from VJO that Barry Krisberg mentioned from the Vision Quest (?) experience suggests that 33 percent improvement in recidivism rates is within the state of the art; it is possible and is a worthwhile way of protecting the public.

CHAIRMAN PRESLEY: Wouldn't some of these suggestions for alternative private programs have a better chance of success if it were done at the local level before they graduated -- if you want to use that term -- to the Youth Authority?

DR. GREENWOOD: Uh --

CHAIRMAN PRESLEY: As I understand it. Maybe Mr. Rowland could correct me. But before a juvenile gets to the Youth Authority, he's probably been in trouble half a dozen times with the juvenile court; and other efforts are made, like probation or different kinds of supervision. So when he finally -- he or she finally gets to the Youth Authority -- they're beginning to get pretty used to committing crime.

DR. GREENWOOD: I personally believe that's true, that the most effective place to do rehabilitation is at the local level. The problems that the juvenile has is at the local level: with his peers, with his family, with his school. And that's eventually where the problems have to be solved.

One of the programs that we're evaluating right now, NCIA, provides a service whereby they take you through the -- L.A. Probation Department has a recommended for CYA placement. They've made the finding that the youth has exhausted all the local alternatives which means they've been through the camp system, probably run away from the camp system or recently released and now recidivated (?) and they're recommended for the YA. At that point, they become eligible for the NCIA program which, as you know, is about -- is a private pre-sentence report. They spend about 2 or \$300 per youth to try and come up with some constructive alternative rather than the CYA.

What we have found out is, that of those youths who the probation department recommends for CYA placement, about 50 percent are, in fact, placed in the YA. These are the control group. About 25 percent are placed again in the camp system; and about 25 percent receive home on probation or some other kind of placement. What we found with NCIA and their workup, their client's specific plan that they submit to the court, is only 25 percent of the youths are then sentenced by the court to the CYA. So NCIA is successful in reducing the CYA commitment rate by 50 percent. They cut exactly in half the number of kids from L.A. County who are going to the California Youth Authority. Forty percent of their kids are placed in group homes or therapeutic communities. And not -- we haven't found one program where they put more than four kids in. So they're spreading 'em out amongst the vast variety of therapeutic communities like Delancy (?) Street drug treatment programs, what have you. None of the control kids who we track from L.A. County go to group

homes or therapeutic communities. So it's an entirely new option that they're discovering simply by kind of beating the bushes to find these programs that the probation department isn't finding for those kids.

CHAIRMAN PRESLEY: Have you ever looked at the group home situation in any depth?

DR. GREENWOOD: In some depth, yes.

CHAIRMAN PRESLEY: We don't have time today, but we ought to talk about that sometime.

DR. GREENWOOD: I think that the basic problem in L.A. County _____ was quite candid that he needs a thousand more beds. The problem is, for \$2400, would you want to try and find a facility and get it licensed and then handle six of these chronic delinquent kids? I think the answer is no. Where people are willing to do that tends to be out in the rural area where a buck goes farther. But what they're finding in L.A. County is people simply won't play this game for the amount of money, the amount of red tape it takes to operate the program.

CHAIRMAN PRESLEY: Is the biggest problem money or the other, the licensing process?

DR. GREENWOOD: It's both money and licensing that provides a very restrictive kinds of programs that can be provided, the six-bed group home, for instance.

CHAIRMAN PRESLEY: Thank you very much.

DR. GREENWOOD: You're welcome.

CHAIRMAN PRESLEY: Mr. Welby Cramer, Chairman of the Youthful Offender Parole Board. And while he's coming up, we've been joined by Senator Barry Keene from Benecia and points north.

MR. WELBY A. CRAMER: Good morning, sir. I appreciate the opportunity of making this presentation to the Senate Select Committee on Children and Youth --

CHAIRMAN PRESLEY: Do you have copies of your statement, Mr. Cramer?

MR. CRAMER: Senator, I have a few copies. But I'm sorry I didn't bring enough for all of the -

CHAIRMAN PRESLEY: Why don't you give us what you have; it would be helpful.

MR. CRAMER: I appreciate being able to make this presentation before the Senate Select Committee on Children and Youth, particularly on the topic of overcrowding in the California Youth Authority.

I'm Welby Cramer, and I'm Chairman of the California Youthful Offender Parole Board. And I have been asked to respond to several topics and questions of concern to this Committee and I'm pleased to be able to do that. I believe, however, that first, it would be helpful to provide a brief summary of the Board's duties and responsibilities that's contained in the California Welfare and Institutions Code. So with your permission, I'd like to just take a few moments to do that.

The Youthful Offender Parole Board is the paroling authority for young offenders committed to the California Youth Authority. In addition to support staff, the Board consists of seven members appointed by the Governor for terms of four years. One of the members is designated by the Governor as a chairperson. The appointments require Senate confirmation.

Among the Board's jurisdictional responsibilities, as contained in Section 1719 of the Welfare and Institutions Code, are: One, to return persons to the court of commitment for redispotion by

the court; to discharge persons from the jurisdiction of the Youth Authority; to authorize release on parole and set conditions of parole; to revoke or suspend parole; and to determine the date of next appearance.

The Board uses a system of guidelines which categorizes youthful offenders by the severity of their commitment offense. There are seven of these categories, with category containing the most serious, violent offenses, and Category 7 containing the lesser property offenses. These categories guide the Board in setting a parole consideration date, or PCD, as we refer to them, for each youthful offender committed to the Youth Authority. This PCD is an interval of time during which the individual may reasonably be expected to reach parole readiness. It is not a fixed term; therefore, the length of stay is indeterminate, but it cannot exceed the maximum confinement time authorized by the committing court.

A ward's PCD is set by the Board at an initial hearing after completion of a diagnostic study completed by the Youth Authority's reception center staff. This date may be modified at subsequent hearings if it is found that the ward's treatment objectives can be accomplished at an earlier date or will require more time than it was originally estimated.

Now with that brief summary in mind, I would like to now address the topics and questions that Senator Presley identified in his letter of October 31, 1986. The first asks for a description of our guidelines, the revised guidelines, and the rationale for the revision.

In April of 1985, the Board convened a task force to review the existing parole consideration date guidelines. An in-depth -- an in-depth review was necessary because the current guidelines were obsolete and were inadequate. And we felt that a thorough examination was long overdue. In addition, we know that the characteristic of Youth Authority wards has changed in recent years. For example, increases in youth gangs and substance abuse often require extended treatment programs.

Persons from outside the Board were asked to join in this process. Therefore, in addition to Board members and selected staff, the task force included the Honorable William Morgan, Sacramento County Superior Court/Juvenile Court; Mr. Walter Brown, Assistant District Attorney from Alameda County; Mr. Byron Brown, Deputy Public Defender from Alameda County; and a private citizen, Mrs. Esther Asperger from Fresno County, an individual who has an extensive knowledge of and involvement in juvenile justice issues.

The task force examined the guidelines and developed recommendations for modification, and these recommendations were approved by the Board on November 15, 1985. And briefly, the modifications include: Increasing base confinement time for Category 1 offenses, the most serious offenses; increasing base confinement time for Category 5 offenses; moving sexual and violent offenses, particularly those committed in concert or resulting in substantial injury to the victim, to higher and more appropriate categories; revising deviation and modification factors to permit greater flexibility in decision making; and the inclusion of legislative and case law revisions and clarification of language and meaning.

CHAIRMAN PRESLEY: Mr. Cramer, the increase base confinement for Category 1; did you say that's the most serious --

MR. CRAMER: Yes, sir.

CHAIRMAN PRESLEY: -- offenses? And would Category 5 be the least serious?

MR. CRAMER: No, sir. Category 7 is the least --

CHAIRMAN PRESLEY: Oh, so it goes 1 through 7?

MR. CRAMER: Yes, sir.

CHAIRMAN PRESLEY: I noticed you've increased the base confinement time for both 1 and 5.

MR. CRAMER: That's correct.

CHAIRMAN PRESLEY: And you did not for the other five?

MR. CRAMER: No, sir.

CHAIRMAN PRESLEY: Why 5? I could understand 1. But why 5?

MR. CRAMER: Well, 5 -- Category 5 contains the -- some of the robbery and assault offenses. And the Category -- the confinement -- the base confinement time prior to this revision was 15 months. We felt 18 months was more appropriate; extended it three months.

CHAIRMAN PRESLEY: Now your Board essentially holds the population figures of the Youth Authority in your hands, in a way, don't you, in that you could put people out on parole at any time you reasonably felt you wanted to?

MR. CRAMER: That's correct.

CHAIRMAN PRESLEY: So the fact that we do have this overcrowding, it, to a certain extent, would be the policies of your Board taking these steps that you've enumerated in 1 and 5 of increasing the base confinement time, be right?

MR. CRAMER: Yes, I would say that's a correct statement.

CHAIRMAN PRESLEY: Are juvenile judges around the state not sentencing for a set time; they just sentence to the Youth Authority, don't they?

MR. CRAMER: Yes, sir.

CHAIRMAN PRESLEY: It's up to your Board then to determine how long. Do they seem to be sentencing more people per capita than they did five or ten years ago? Do you happen to know that?

MR. CRAMER: I don't know. I don't know, Senator. My understanding is that --

CHAIRMAN PRESLEY: Mr. Brown is shaking his head no, that they are not.

MR. CRAMER: My understanding is that the -- that the -- I'm not sure. My understanding is that the rate of commitment is down for the last five years or so.

CHAIRMAN PRESLEY: So I guess it's been pointed out before -- one of the reasons for the overcrowding is that we're taking a harder line in that their base confinement period has been raised and they're just being kept there longer.

MR. CRAMER: Yes, I think that's correct, Senator.

The primary thrust of these changes has been to hold wards to higher standards of accountability for their behavior.

CHAIRMAN PRESLEY: Let me interrupt you. What is the average length of stay now for a ward?

MR. CRAMER: The average length of stay now is approximately -- the latest figures we have

is 17.4 months, average length of stay.

CHAIRMAN PRESLEY: Seventeen months?

MR. CRAMER: Yes, sir.

Okay. We expect that there should be a proportional relationship between the seriousness of the behavior and the length of confinement. And the Board believes that longer confinement is necessary for some offenders to ensure that they receive the institutional treatment and training that is required to prepare them for release.

As I indicated earlier, Senator, the average length of stay for wards released during the 1985-86 fiscal year was 17.4 months. And to correct my earlier statement, for the months of July through October 1986, they have increased to an average of 18.7 months. Ten years ago, the average length of stay in California for wards committed to the Youth Authority was less than one year.

CHAIRMAN PRESLEY: That should equate to less crime being committed, shouldn't it, per capita crime?

MR. CRAMER: The length of stay should equate to less crimes committed?

CHAIRMAN PRESLEY: Per capita. One of the ideas is if you're going to keep them in the Youth Authority or State Prison, keep them there longer; therefore, during that period, they're certainly not out there committing crime.

MR. CRAMER: Um-hmm.

CHAIRMAN PRESLEY: Now, I just wonder if the figures support that, that there is less crime per capita.

MR. CRAMER: I don't know, sir. I know that, as I say -- indicated earlier -- that the characteristics of -- characteristics of wards committed through the Youth Authority has changed. We know that the increase in gang activities, gang involvement, the increase in drug in our society is causing --

CHAIRMAN PRESLEY: Mr. Rowland, could you give us that figure at your convenience, just for comparison purposes, to see if this is being effective.

MR. CRAMER: Shall I continue, Senator?

CHAIRMAN PRESLEY: Sure.

MR. CRAMER: All right.

CHAIRMAN PRESLEY: Sorry to keep interrupting you.

MR. CRAMER: That's all right. No problem at all.

CHAIRMAN PRESLEY: I'll try not to do that for a while. I'll let you finish.

MR. CRAMER: That's all right. Don't mind.

We feel that the revisions to our guidelines were mandated by increased public concern regarding crime. And we know that young offenders are perceived as committing more serious crimes. And we believe that society expects us to protect society from the consequences of this kind of behavior. And I might point out, Senator, that in recent years, the Legislature has also responded to this public concern by substantially increasing penalties -- criminal penalties for -- and enhancements -- particularly for those offenses which involve drug usage and child abuse. And in its

review of the guidelines, the task force examined sanctions that have been set by the Legislature in evaluating appropriate category setting for like offenses committed by Youth Authority wards.

Now if I may continue to the second question. That question asked if the Board possesses data that leads to the conclusion that increased lengths of stay at the California Youth Authority facilities results in reduced crime or recidivism rates. And I would say, in answer to that question, Senator, that there is currently no information available that leads to such a conclusion. The stated purpose of the Youth Authority Act, however, is to: "Protect society from the consequences of criminal activity by young persons who have committed public offenses." And the Youth Authority Act goals continues by saying that "...training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses."

So I feel that system accountability then must focus on that purpose, that is, how well is society being protected from young offenders and how well are the treatment needs of these offenders being responded to.

Earlier, you heard statement or information provided by Mr. Rowland that there are over 8,000 offenders committed in the Youth Authority. My figures show that 6,800 approximately of these come under the jurisdiction of the Board. And as I stated earlier, they are confined for an average length of time of more than 17 months.

CHAIRMAN PRESLEY: Are these people who come over from CDC under your jurisdiction?

MR. CRAMER: No, sir. We have no jurisdiction over there.

CHAIRMAN PRESLEY: How many are there of those? Does anybody know?

_____ : 1400.

CHAIRMAN PRESLEY: 1400? Okay.

MR. CRAMER: That's my information also.

Public protection is enhanced by increased confinement time, obviously, because the offender will be unable to commit additional crimes while incarcerated.

And additionally, since the Youth Authority provides extensive treatment and training to incarcerated youths, public protection is enhanced by correcting the behavioral disorders that caused the youth -- or that contributed at least -- to the individual's delinquency.

And finally, the fact that there are approximately 4,600 young offenders under formal Youth Authority parole supervision indicates that the system is responding to public protection matters.

CHAIRMAN PRESLEY: What's the average caseload of a Youth Authority parole officer?

MR. CRAMER: Mr. Beck, with the Director of Parole Services, is in the -- is in the room. But I believe that he would say that it is between 40 and 50 parolees.

CHAIRMAN PRESLEY: Hard to be very effective with 40 or 50, isn't it?

MR. CRAMER: Depending -- yeah, I suppose that's a true statement, sir.

Senator, you also asked what guidelines are utilized by the Board in determining which wards are likely to continue victimizing upon release into society. And we know that all offenders pose some risk of recidivism. And the Board must evaluate that risk in making parole decisions. These are

judgment decisions which the Board makes based on information that's available to us.

A question was asked about a classification system earlier. And I'd like to respond to that a little bit. In 1984, the Board and the Youth Authority received a grant from the David and Lucile Packard Foundation, supplemented by an additional grant from the Florence Burden Foundation of New York to conduct a classification study. The study project is being managed jointly by the Board, by the Youth Authority, and by the National Council on Crime and Delinquency. Dr. Barry Krisberg is one of those individuals with whom we've been consulting. With data from the study, we expect to develop a classification system that will assist the Board in allocating resources more efficiently. And we expect to develop a risk assessment instrument that will assist the Board in evaluating parole readiness. I have to say, however, that the information that is developed from this study cannot and, in my firm conviction, will not replace the individual judgment factor that we use now in making these individual parole decisions.

CHAIRMAN PRESLEY: When do you expect to have that system in place?

MR. CRAMER: The information-gathering data is almost in place. With the information gathering, part of that is completed and data is almost in place. And we're going to meet with the research staff to discuss the status of that system within the next several months. I believe that it should be operational within a year.

CHAIRMAN PRESLEY: About a year?

MR. CRAMER: I believe. Yes, sir. Obviously, the better information we have in making these decisions, the better job we can do in making them.

Senator, your final question asked for my opinion of the value of having sentencing decisions made by a parole board as opposed to a juvenile court judge or a correctional agency. And I'd like to spend a few moments talking about that.

I'm convinced that California's juvenile justice system of indeterminate sentencing is the most effective system for responding to the varying treatment needs of young offenders committed to the Youth Authority. Board decisions regarding treatment needs and parole readiness for the least serious offenders are handled at the lower levels of decision making. The most serious offenders receive a correspondingly higher level of review. The Board re-evaluates the status of each ward annually. And this evaluation is comprehensive, and its purpose is to determine whether the ward's existing orders and dispositions shall be modified or shall be continued in effect.

In addition, the Board also conducts special progress hearings to consider a ward's treatment status. And at these hearings, the ward's parole consideration date may be reduced for good performance; or it may be extended for poor performance and negative behavior. And as a matter of interest, during the 1985-86 fiscal year, the Board conducted approximately 24,000 hearings and case reviews.

Sentencing decisions made by a juvenile court judge based solely on the commitment offense and not regularly re-evaluated would result in determining -- in determinate sentencing for juveniles in California. Determinate sentencing does not consider individual treatment needs, nor does it consider parole readiness. Determinate sentencing considers only punishment through incapacitation.

Those states that delegate to the correctional agency, the responsibility of determining parole readiness, are, I believe, confronted with a serious public safety conflict of interest issue. An independent paroling authority fixed with the responsibility of determining parole readiness within the parameters of maximum confinement time, authorized by a committing court and unencumbered with institutional crowding considerations, is the appropriate process for making these crucial public safety parole decisions.

Finally, Mr. Chairman and Members of the Committee, I understand and I share your concern about overcrowding in the California Youth Authority. The Board is cooperating with Youth Authority administrators in mitigating as much as possible the adverse impact of this overcrowding. However, I believe, that in addition to responding to the identified treatment needs of young offenders, the Board cannot abdicate its primary responsibility of assuring to the extent possible that our decisions reflect society's concern for public safety.

That concludes my prepared comments, Mr. Chairman. I appreciate the opportunity of providing them. And I would be happy to respond to any --

CHAIRMAN PRESLEY: Just make an observation, and I guess it's -- can't be avoided. But it seems like the better the treatment program an individual is in, the chances of his succeeding in that program result in his probably spending more time in the Youth Authority.

MR. CRAMER: Yes, if I can expand on that just a little, sir. Mr. Rowland mentioned a formalized substance abuse counseling program that had been developed by the Youth Authority. We know that a large portion -- 85 percent -- of the wards in the Youth Authority, approximately, has substance abuse in their background. Some of them have long, extensive experience with drug abuse which has caused their deviancy, we know, or contributed in a major way to it.

The Youth Authority has developed formalized substance abuse counseling programs for all of their institutions that the Board can order, wards who, whose history clearly identify as needing these types of programs. They're six to nine months in length. But I think that -- I don't know of a better -- of another institution or correctional system anywhere that has the type of substance abuse counseling that is now available for Youth Authority wards. And naturally, if they stay there for nine months to complete that program, that may extend their length of stay. But we believe that it will be effective in reducing their recidivism.

CHAIRMAN PRESLEY: Youthful Offender Parole Board has seven members -- five?

MR. CRAMER: Seven members.

CHAIRMAN PRESLEY: Seven members.

MR. CRAMER: Six members and a chairperson, yes, sir.

CHAIRMAN PRESLEY: All appointed by the Governor for set terms or at pleasure?

MR. CRAMER: Four-year terms.

CHAIRMAN PRESLEY: Four-year terms.

MR. CRAMER: Yes, sir.

CHAIRMAN PRESLEY: And they're full-time jobs -- I mean they're paid fairly well, and you're not expected to practice law on the side, right?

MR. CRAMER: Mr. Chairman, I would say that they are full-time jobs, yes, sir. And we keep busy.

CHAIRMAN PRESLEY: You have a staff of how many? I'm talking about the Board, not the Department.

MR. CRAMER: Forty, forty persons.

CHAIRMAN PRESLEY: Forty?

MR. CRAMER: Approximately.

CHAIRMAN PRESLEY: And they do all this evaluation for you and assist with the hearings and

--

MR. CRAMER: Yes. We have -- we have five civil service board hearing representatives that conduct hearings in conjunction with the Board, either as a part of the panel or at least they work with the Board in conducting hearings.

CHAIRMAN PRESLEY: Okay. Thank you very much.

MR. CRAMER: All right, sir. Thank you.

CHAIRMAN PRESLEY: Mr. Michael Lerner and Steve Lerner, brothers in crime; Director of the Commonwealth Research Institute.

MR. STEVE LERNER: Correct.

CHAIRMAN PRESLEY: Where is that located?

MR. LERNER: Marin County.

CHAIRMAN PRESLEY: Marin County. Go ahead.

MR. LERNER: Thank you for inviting us here today. We've been asked to testify on the effect of overcrowding on Youth Authority wards, environmental and design considerations. And we're pleased to be able to release today a report that we've done entitled "Bodily Harm, The Pattern of Fear and Violence at the California Youth Authority," that speaks to some of the harms that we've seen going on in these facilities as a result of this crowding.

CHAIRMAN PRESLEY: Was this just released today?

MR. LERNER: Yes, it is.

CHAIRMAN PRESLEY: Hot off the press, huh?

MR. LERNER: And we will make copies available for those interested.

My brother Michael and I have been involved in looking into conditions at the Youth Authority off and on for the last six years. The first report that we put out, the CYA report, "Conditions of Life at the California Youth Authority," examines environmental conditions including crowding at the Youth Authority and made a variety of recommendations. We were particularly concerned about the remote, rural location of Youth Authority facilities and at their large scale and at the use of large dormitories and made this -- made a case for moving towards smaller facilities, much like what Barry Krisberg spoke of earlier.

The more recent report, "Bodily Harm," was an effort to go into the facilities and look for some of the damage that was being done to inmates who were forced to live under these very overcrowded conditions. And I'm struck by the fact, that today, here we are discussing crowding at the Youth

Authority and there are no inmates here to tell us what it's like. So I feel I'll have to be a stand-in for some of those people who are the ultimate consumers of the Youth Authority product or the -- have to live in these facilities. I feel that we haven't gotten the sense here today of just how intense is the crisis of crowding at the Youth Authority from the prospective of the inmate.

When I first started going into Youth Authority facilities, many of them had 40 to 45 inmates in a living unit. Experiments have been done by the Youth Authority showing, that when they dropped the number of inmates in a facility down to 37, that violence was significantly reduced. There are a couple of Youth Authority studies that show this. In the second series of visits that produced this report, "Bodily Harm," the number of inmates in a living unit had risen to 50 to 55. Now today, we're hearing that it's going up to 70.

Now I'd like you to try to imagine for a moment -- difficult as it is in these -- in this august room and these comfortable conditions -- what it's like to be in a Youth Authority dormitory in which there are 50 to 70 young men in a room sleeping at night with a guard cage sticking out into the room; one guard at night overseeing these 50 to 70 young men, many with violent histories. And for security reasons, if there is a disturbance in the dormitory, the person in the cage monitoring activities there is not permitted to go out and try to stop the fight or whatever because they might be overwhelmed and then the dormitory would be out of control. Instead, they push a button and a flying squad has to come and subdue the disturbance. And as a result, there's a lag time during which serious damage can be done to inmates before the guards can arrive. There are a number of techniques that inmates use. They may try to put a blanket over the guard cage so they can do their damage before -- without, without the monitor being able to see who's doing the damage. Sometimes, gas grenades are dropped into these locked dormitories in order to incapacitate the wards and to quell the riot.

Now what I'd like to stress is that the level of violence that we're now seeing in the Youth Authority is already at a -- at a crisis limit and at crisis proportions; and that really what we're watching is what experts call a slow riot in which you don't have the type of incident that will make it into the newspaper that there's an institution-wide riot. But it is the daily battery of inmate on inmate that is going on at a level that shouldn't be tolerated by the State. And the level of this violence -- we've already heard testimony -- has been going up, particularly, the type of violence that involves battery of inmate on inmate without weapons which is the most common form. It's gone up, from 1941, from around 8 percent to 1985, around 13 percent. Now those are the cases of battery that are kind of officially recorded. And it's well known that there's a lot of fighting that goes on, a lot of harm that goes on that is not reported because it's seen as squealing.

Also today, we've heard a bit about the fact that many of the people who come into the Youth Authority are gang members. What we haven't heard so much about is the fact that there are numerous people who go into the Youth Authority who are not gang members who end up being pushed into gang activities while they're there. The fact of the matter is, with all the best intentions, the staff of the Youth Authority, because of the design and scale of these facilities, is unable to guarantee the protection of the inmates in there. So inmates are forced to figure out strategies that

will allow them to survive in these facilities. And many of them end up being forced into gangs.

And I'd like to tell you a couple of stories today about inmates who I met and spoke with, interviewed, and who are in this report. One of them was a hispanic young man who was a gang member before he came into prison and who had a number of tattoos signifying that he was a -- from one of the northern gangs. And he was under pressure from members of his gang to hurt somebody else, to go stab somebody else; and he refused. And as a result, he was stabbed a number of times with a welding rod by members of his own gang because he refused to carry out a hit on other people. Now that's a particularly dramatic incident. Very often it is not a case of using weapons but, rather, it is, you know, a number of people beating somebody up to teach them a lesson that they have to tow the line of the gang. But in this case, he was -- he was stabbed for not carrying out those orders.

And there is a -- you know, a lot of these dormitories, particularly at Preston, I found -- but also at a number of the other facilities -- you can easily find the inmates who are the victims. It's not at all difficult to identify them. Some of them are so terrified of where they are, that they refuse to come -- if they're in an area that has cells, they refuse to come out of the cell block. They refuse to come out of their cell unless they're under, you know, very intensive supervision by the guards.

There is one inmate while I was visiting Preston -- I was there in the evening, and he was in a living unit that had a reputation for being very tough; and he wanted to get out of it. He wanted to get into a counseling unit which is very hard to get into because there aren't enough births in the psychiatric counseling unit. And he was in a place over his head. He was just completely terrified. And so what he did to try to get transferred was he made this suicide gesture of trying to hang himself. And this -- these type of gestures are not at all uncommon at the Youth Authority. There are people who are so terrified of where they are that they will cut on themselves or, you know, use one of these desperate gestures to get the attention of the staff and to try to get transferred into programs that are already overloaded. And a lot of this is because -- not just because of the crowding, but because of the design of these facilities.

If you sat down and tried to think of the worse design, you might come up with what the Youth Authority staff has to deal with a good part of the time; and that is this huge dormitories. And it's clearly very difficult to control people when you can't put them, you know, in a room and keep them from hurting each other. And further, just the sheer number of them makes it -- makes it very difficult.

There's -- these type of conditions lead to the kind of institutional tragedy of one young man whose case -- he was incarcerated in the Youth Authority for property crime. He had stolen a stereo. He was from a northern California county. And I think that they ended up putting him in the Youth Authority because they were afraid, if they put him in a lighter weight facility, that he would try to escape and run back to his girlfriend. He was considered a high risk; and therefore, he was -- he was put in Preston. While he was in Preston, he was subjected to sexual pressure by a bunch of inmates who had a prison-made knife and was transferred out of that living unit onto another living unit where he was again the victim of sexual pressure. And according to one youth counselor, he was actually

blackmailed into compliance by some inmates who had taken Polaroid photographs of him being sexually abused and threatened to send it to his girlfriend. He became so depressed and desperate that he started cutting on himself in a suicide attempt and was put into the psychiatric ward at Preston where he later committed suicide. So this is very clearly not a common event in the Youth Authority. The Youth Authority is really remarkably good at keeping people from committing suicide and from preventing fatal attacks. But I think it gives at least a sense of -- the fact that on these large dormitories, the staff is just not able to control all the violent interactions between the inmates. And I could go on with a number of these other, other incidents; but I think you get the drift of this.

If we begin to look at what can be done to improve the facilities that are already existing, I feel one of the most important things that could be done would be to put a cap on the number of inmates that go into each facility and onto each living unit and into each dormitory. And we feel that the maximum that should be allowed on the living unit at this point or in a dormitory should be 50. The Youth Authority has already showed, that by cutting the number on a unit down to 37, that the rate of violence goes down dramatically. We realize that at this time, under the population pressure they're dealing with, they can't go down to 37. But it seems really appalling to think that it's going to go above 50 because it's not just the number of bodies in the dormitory. It's the amount of space in these very overcrowding -- crowded day rooms where inmates are so close to each other that fights are constantly breaking out and pressure is constantly being put on inmates.

We feel that there should be no double celling allowed in the Youth Authority, that this is a dangerous route that we're going now towards double celling. We feel that none of these emergency measures, sleeping 50 people on a gymnasium floor at night because beds can't be found for them, none of that should be allowed. And finally, that in order to make this possible, we have to be more discriminating about the people who are placed in these -- in these facilities, that there are property offenders in there who could be dealt with in less secure facilities.

In conclusion, I'd like to voice my concern about the new construction that is being considered, which it seems to me is more of the same mistake that we've already made in kind of a massive way in building these huge facilities far from the cities where most of these inmates come from and of a scale that experts from all over the country will tell you is ridiculously large. The 500 beds that the Youth Authority hopes to be building, and has gotten some money and already has some plans for their facilities, are all going to be located at already existing facilities. They're going to add on to already existing facilities which will make the scale of these facilities even larger. And everything we've learned is that we should be going in the other direction; that we should be building smaller scale facilities, smaller scale living units. They're talking about 100-bed units again when we should be looking at 20-bed units or something of that variety.

So I hope that there will be some considerable discussion of how this money is used for new facilities and that perhaps the emphasis could be towards a diversification towards smaller facilities that, that are more specialized. So that, I'd like to end my testimony and to pass it over to my brother.

DR. MICHAEL LERNER: Thank you, Senator Presley. I will be as brief as I can be. I think the most vivid moment that I remember in our visits to the Youth Authority was one of very level-headed senior Youth Authority official with whom we were touring one of the facilities -- said that he -- he wished it was possible for a young person who wanted to come in and stay clean, to go through the Youth Authority and just do his time and voiced his deep frustration that that simply wasn't possible; that unless you were extraordinarily strong, that there was just enormous pressure to join the gangs and to participate in the violence of the Youth Authority. And my sense, to my great sorrow, is that we have taken a system that was once in the leadership of juvenile justice in the United States; and as a result of the crowding and of the basically structurally inappropriate institutions, we've created something that is very, very far from the vanguard of juvenile justice in this country. And I fundamentally feel that California has to face the basic issue of how to get away from this training school situation and how to go toward the kind of situation that Dr. Greenwood and Dr. Krisberg have described.

I want to commend Jim Rowland who I think is an excellent director of the Youth Authority and who has been very responsive to our first report and very open to allowing us really extraordinary access to the facilities to prepare the second report where we looked at the issue of bodily harm and who obviously has the best interest of the wards at heart. But I just think that he is in a situation, as is his staff, where he doesn't control the key variables. And the key variables, the causing of the crowding, is basically as you said, the policies of the Youthful Offender Parole Board, over which he has no control -- also the Senate Bill 821 which, although it contributes to crowding in the Youth Authority, we believe is a basically humane measure, simply because it's so important to get these more vulnerable young adults out of the adult prisons where the victimization would be so terrible.

Finally, the third major cause of crowding in the Youth Authority we see is the crowding itself. There's an enormous cycle of add-ons to sentencing as a result of these, really now, inhumane and overwhelmingly crowded condition.

Now as a political scientist, I've been interested in the public response to the crowding in the Youth Authority. And first of all, it's not a priority for any agency, organization, or coalition in California that I'm aware of. Secondly, the level of overcrowding in the Department of Corrections diminishes concern with the Youth Authority by comparison. Third, the expense of Youth Authority placements makes it very vulnerable so that the staff of the Youth Authority is forced to defend program and can't really speak to overcrowding because the, you know, the issue they face every year is whether they'll be able to continue running program since they can't effect the crowding which is the really fundamental issue.

Now I'm going to briefly describe two sets of remedies. One are incremental remedies and the other are fundamental reforms. In the incremental remedies department, I think that what Welby Cramer spoke to with the development of a better classification system is a vitally important issue. And I hope that it will lead to a less, less long sentences delivered indiscriminately. In other words, I'm a very strong believer in keeping violent offenders locked up for as long as necessary. But in the instance of this young man who stole a stereo, you know, who was from a northern California county

which just happens to have a policy of committing to the Youth Authority, that really is not an appropriate use of a Youth Authority bed.

The second thing Steve has already spoken to -- the cap on the number of inmates per dorm at 50 -- no double celling and no temporary facilities -- and here I feel, that since the administration is not going to do this, and I don't believe that the legislature is going to do this, that there probably really is a role for the courts here. And I think that it may well be, that if we are to see in California a cap on the number of inmates per dorm and an end to double celling, that it will be because some group of citizens brings a suit against the Youth Authority to accomplish that. And I frankly believe that that may well be in the interest of everyone, including the Youth Authority. And I would welcome comment to inform me further if that is not the case. But I, I see for myself, that simply to deal with what we are most concerned with, which is the inhumane conditions in the institutions, I don't presently see an alternative to involving the courts in setting those limits. Because I think in the existing political climate they're not going to be set any other way.

Let me say one other word on it.

CHAIRMAN PRESLEY: On that point, I think the only --

DR. LERNER: Yeah.

CHAIRMAN PRESLEY: The thing we'd have to do there is give the courts the ability to assess taxes, raise taxes, because that's what both of you are speaking of -- largely money; more personnel per supervision, more facilities, be able to put a cap on the numbers in the facilities. Of course, the problem is the people. Through their initiative in 1979, they put a cap on state spending. So it's contradictory for them to say, "You can only spend so much money." And then come a long and say, "We don't want you to have these high numbers of people in these facilities and we don't want you to have the facilities; we want them jammed." And, you know, it's contradictory; it doesn't work.

DR. LERNER: We agree with that, Senator. And I guess what we would add is, that if the courts were to do this, that in the states which Barry Krisberg mentioned, that the courts have characteristically, in many of these instances, been involved in being one of the key players.

CHAIRMAN PRESLEY: If they want to get involved and probably have some merit --

DR. LERNER: Um-hmm.

CHAIRMAN PRESLEY: If we can start contracting some of these kids out to other facilities --

DR. LERNER: Precise --

CHAIRMAN PRESLEY: And of course, that doesn't need court intervention. I think the Department can do that on their own.

DR. LERNER: I agree with that. I just feel that, that -- and please again correct me if you feel this is a mistake in prospective because I'm not a full-time person in this field as Barry Krisberg and others are. But my assessment based on the five or six years that we've been involved in this is that, that if we want to move away from the current structure -- if we want to simply say that walls of the Youth Authority are not infinitely expandable and we really just don't feel that there should be 70 wards per dormitory -- then if the courts were to set a limit on the number of wards per dormitory and eliminate double celling -- that that would act as a catalyst towards some fresh thinking on the

question of how we deal with the increasing numbers of other offenders.

CHAIRMAN PRESLEY: Yes.

DR. LERNER: It would move us toward the kind of thing that Barry Krisberg's been speaking about.

CHAIRMAN PRESLEY: Yes. I'll tell you, Prop. 13 would be a good example of what you just said.

DR. LERNER: Yes.

CHAIRMAN PRESLEY: That provided a catalyst for a lot of fresh thinking. The fresh thinking is the roads are going to pot; the schools are overcrowded; the quality of education is lower. You can't get blood out of a turnip after a certain point. I'm just exhibiting some frustration.

DR. LERNER: No, I appreciate that; I appreciate that.

So I also think that we should look at the whole financial reimbursement structure that rewards counties for sending wards to the Youth Authority and that there are real, real areas there that could be very important to restructure. And then -- and I think it would be very important to take a look at the design of the new facilities that are coming on line, to do everything that we can within the fiscal constraints to make them as humane as possible.

CHAIRMAN PRESLEY: Let me just say at this point on that --

DR. LERNER: Yeah.

CHAIRMAN PRESLEY: -- particular part of it -- Mr. Rowland and Mr. Brown, I'm sure, will be willing to consult with you and work with you as you design the new facilities.

DR. LERNER: They have been very cooperative. And we, we hope to continue to work --

CHAIRMAN PRESLEY: It sounds like you're pulling us apart, though.

DR. LERNER: Well --

CHAIRMAN PRESLEY: You want 20 percent -- or you want 20 and they want 100. So that's quite a difference.

DR. LERNER: I think -- I think that the place that we're not poles apart is that we have approached each other with a lot of mutual respect and a recognition that there were no hidden agendas here and that we have benefited from the fact that Jim Rowland is a man who actually really believes in an open-air administration and in really giving citizens the right to be involved and knows, that when you involve citizens, that you're going to expect that they're going to contribute their prospective. And so we have managed to have a good, constructive dialogue that we've been very, very pleased with.

CHAIRMAN PRESLEY: Well, I think I can speak for the other members of the Committee here that we all feel better about it -- the fact that people like you and Steve and Dr. Krisberg and Mr. Greenwood -- all those people -- have the interest and desire and sincerity that they have, along with Mr. Rowland and his staff, to work on this problem. That's one of the encouraging things -- about the only encouraging thing out of this hearing so far -- is a lot of very sincere people who want to find some solutions. But other than that, most of it is not too encouraging.

DR. LERNER: Well, that concludes my --

CHAIRMAN PRESLEY: Senator Keene, do you have a question?

SENATOR BARRY KEENE: Yeah. I just wanted to add to the Chairman's comments. It is frustrating for those of us who are sympathetic to the points that you make because California has entered a new era where the measurements used to be, if something was perceived as needed and could be afforded, could be paid for, that was the -- roughly the equation. It was accomplished. We've entered a new era since Proposition 4. And we're going to feel it for the first time this year, I'm told -- the Gann lid. So the equation is changed. You still have to create the perception of need before something can be accomplished. But then, even if it can be paid for, even if it can be afforded, it can't be done unless you eliminate something else. We voted in -- I didn't -- Proposition 4 was voted in and we now have static government in California. It cannot grow; it cannot do the kinds of things that you would like to have happen unless we take away from other areas. That creates a much more complicated problem for us.

For example, if we say we have a problem with class size and we want to reduce class size, and we also say we want to improve the situation for youthful offenders, I can hear the arguments now coming out of the Bill Richardson's and some of the others that why should we do something for people who are voluntarily in a difficult situation when we need to do things for people first who are in an involuntarily difficult situation -- excessive class size. Why should we let county government go bankrupt; why should we let the roads break up; why shouldn't we rebuild the libraries before we do that; why shouldn't Medi-Cal patients be attended? I'm playing the devil's advocate now. But these realistically are the kinds of arguments that we're going to be faced with. So it's a difficult proposition for us. We can no longer will something to happen. We've got to balance it against all of the other responsibilities. And it's very, very tough.

So if you have any suggestions on how we can convince our colleagues and our neighbors and the general public, the people that elect us, that's really the kind of assistance that we need as well.

DR. LERNER: If I may speak to that. Dr. Krisberg, I think, pointed out that a number of other states have not spent more money in moving away from the training school model, the large-scale model, to smaller scale facilities. It's been a reallocation of funds. It hasn't, hasn't been more; it's been a reallocation. And I think, that in speaking with constituents, there is a very powerful argument that can be used for why we should be spending our resources on these people. And that is, that they do get out of prison; and that is, that they do end up sitting next to us on the bus just after having gotten out; and, that if they have been brutalized while they are in these facilities, they're apt to act out that -- act out on other people who can't defend themselves and who haven't learned the ways of the prison system and so on. So just from a sheer prospective of self defense, you know, there's a reason that the citizen might want to spend some --

SENATOR KEENE: The logic of your argument is flawless. The problem -- the problem is that someone who's sitting in traffic on the Golden Gate Bridge during rush hour -- the human experience is, if they want something done about that --

DR. LERNER: Right.

SENATOR KEENE: -- and until they become a victim of the individual who has the terrible

experience or is not rehabilitated as a youthful offender, you know, the constituency isn't there. It's a prospective future potential constituency but not an actual one. The other constituencies are actual ones.

It's a difficult political translation. It's really our job to do that. And I don't mean to lay it on your shoulders. But that's our problem. It's not a lack of sympathy for the kinds of situations that you've described.

DR. LERNER: Senator Keene, if might just add to that. That's why I am curious as to whether the courts may not really have a role here because they really are the ones who simply set the minimum standards at a certain point. And I suggest that we may have reached the point in the Youth Authority where the courts need to set some minimum standards. And when they've set some minimum standards, then we all have to put our heads together and say if these are the minimum standards -- and we're not talking about anything fancy; we're talking about 50 wards per dorm, no basic changes in the training schools. We're not talking about the revolution that we'd like to see take place. But if these are the minimum standards, then the walls of the Youth Authority are not infinitely expandable; and therefore, how do we all sit down with, you know, private sector contracts and all the rest of it and deal with the overflow because we're not going to do it simply by keeping them this crowded in any effective way.

SENATOR KEENE: I guess the courts could order it, as they've done in some of the adult facilities, the orders against double celling and so forth. But it's not a great way to go. And that kind of policy making by the courts, albeit humane, is very much resented by the voters. And I think it's part of the reason for the backlash against the judiciary.

DR. LERNER: Yeah, it's not the best way to go. We certainly wish that the Legislature or the administration would set these standards because I fully agree with you. The question is: "Who does speak for the people who are now stacked up 70 deep in these dormitories?" And it's not a popular role. But it seems that it's appropriate that someone in these hearings take that position and that's what we're here to do. Yeah.

CHAIRMAN PRESLEY: Thank you very much.

We have a number of other witnesses to go. And according to the schedule, we were going to finish at noon. We're a long ways from that. So what we're going to do is take a break just until 1 o'clock. And then we'll be back at 1:00 and continue on till we complete this hearing and then we'll go immediately into the other one for those of you who happen to be in on it. So we'll come back at 1 o'clock.

(RECESS)

CHAIRMAN PRESLEY: We can get started again. Our first witness continuing the hearing on the overcrowding of the Youth Authority -- first witness this afternoon will be Professor Zimring, Franklin Zimring, Boalt Hall School of Law. There they are.

PROFESSOR FRANKLIN ZIMRING: As an academic, it's always good to visit the real world

and learn something. And I've now learned how to push the red button. And that's how things happen in government in Sacramento.

CHAIRMAN PRESLEY: That's right. You've got to push the red button. Sometimes it's green.

(Laughter.)

PROFESSOR ZIMRING: And the secret is to know when. There's both good news and bad news about my testimony in what is now becoming a marathon morning hearing, afternoon addition. The bad news first is I'm something of a theorist and will be responding pretty much from the ivory tower prospective to a set of very practical problems which have been presented this morning. I am going to react to specific factual and analytic issues that are raised in the Population Management and Facilities Master Plan that was described this morning and more particularly in the plans of the youth -- in the youth parole board categorization and sentence lengths that were described later in the morning. The good news -- the bad news is it's theoretical -- the good news is it's going to be relatively brief.

I'd like to augment the brief assertions on factual matters that I'm going to make in the next 10 or 12 minutes with some references to the literature and stand ready to work with, with your staff should any of these issues be of particular importance. And I would like to start with a set of factual questions about the demography of the State of California that may be more important to correctional planning than would first seem to be the case. There was in Peter Greenwood's testimony and around it and the questioning -- some issue about what is going to happen to the youth population in the State of California and more particularly the population at risk for the California Youth Authority over the next five years which is the Master Plan period that is being discussed today, over the next ten years. And I believe, Senator Presley, you also asked about the year 2000.

One of the members of the Committee made the observation, with some disbelief, at Peter Greenwood's assertions that how could it be that the CIA -- CYA's youth population was going to -- was going to be stable or declining when, in fact, the catchment (?) for the public schools population has been going up 100,000 a year for two or three years. The answer has to do with when people are at risk for particular systems. The peak age for going to kindergarten in the State of California is 5½. The educational theorists tell us it should be six. The peak age for being at risk for a felony arrest as a juvenile in the State of California is 16, with the second peak being 17, and the third peak being 15. That's 11½ years later. The peak age for being at risk for CYA commitment probably, if you wanted to describe one age category, is 15 to 19. Now using that 15-to-19 age rubric, here is what one can say: There's going to be an absolute decline in the youth population in the State of California and at least one at-risk youth population, which is the black youth population, 15 to 19, between now and 1991. Indeed, it is going to be at least 1996. Again, we're talking about total youth population and we're talking about youth population 15 to 19, black males. It will be at least 1996 before there is -- are as many such kids in the State of California, again, as there were in 1980. And as to the year 2000, while there will then be a general increase, as measured in three or four different ways, that increase is not going to be substantial at all. The percentage of the population, of the total population of the State of California in those 15-to-19 age ranges, will, in fact, be

smaller, even in the year 2000, than it was in 1980 and than it was in the earlier years when we experienced the complex demographic shifts that led to an explosion in youth crime that could be explained in terms of shifts in the population.

Now the precise figures that I'm referring to are unavailable in publications that are now within the access of the Committee, but the Population Management and Facilities Master Plan does have one table on Page 28 which gives you some of that detail. That table, unlike the statistics I'm giving you, is limited to the youth population ages 12 through 20. And because it includes a younger group that are really not at risk for CYA facilities, it starts turning up earlier than the group that is really at risk for CYA commitment. But it's still -- if you look at the total youth population through 1991 and if you look at the black youth population, it gives the general trends that are consistent with Dr. Greenwood's testimony.

Now I'm a law professor and I've been talking about nothing but demographic numbers in a session which is to consider a master plan. And we're just talking about correctional facility overcrowding. Why is that? One reason why I've emphasized those numbers is because the Master Plan that you have before you and the Youth Parole Board guidelines that are animating that Master Plan are showing us a very rare event in the history of correctional overcrowding in the United States. Almost all systems in metropolitan states of both juvenile and adult corrections have undergone facilities overcrowding over the last decade. But this is the first case -- this 1986 to 1991 Master Plan -- I have ever seen of a needed increase in bed space being projected on what I'm going to call solely a policy basis. During this period, we have a declining population of youth at risk, a declining arrest rate projected, a decline in new commitments each year -- 1986 to 1991 -- a decline in the absolute number of new commitments to the Youth Authority. That is to say that there's an absolute decline till 1988; and all the numbers in subsequent years are lower than they were in 1985. So the number of new commitments is going to be lower than it has been. But the population, even given the crowding, is going up. And the why is extremely simple, and it's only one cause -- and it's the only system in the United States where I know that that statement could be made -- and that is that time served to release in the system is going up. And it's not going up because of decentralized decision making as it would be if that power to time set belonged to judges in individual counties. It's going up because a centralized state agency that gets to set time served is deliberately setting those levels higher than they set them before. So unlike an awful lot of overcrowding situations where the correctional planners come in and talk about these numbers as if they, you know, they're saying these things are brought in by the stork -- and for all they know that it is -- that is not true of centralized administration in the State of California, although it is true, importantly, for the Youth Authority. In most systems, the centralized agency that runs youth corrections, operationally, also sets time. Here, those functions are separated; and here, the parole bureau is evidently setting time as if to ignore --

CHAIRMAN PRESLEY: What do you think about the statement that was made this morning where the agency also sets time, creates a conflict of interest; do you buy that or not?

PROFESSOR ZIMRING: Well, it creates a need to trade off population pressures. Whether that

is a conflict of interest or not really depends upon whether you see the time setting function as properly one that should only look at one issue and ignore all others or whether you see it as a balance. If you really do mean that you ought to set sentence lengths as if correctional resources weren't scarce, then telling the man who's setting the time that he's also responsible for keeping crowding down, as most mandates do for correctional facilities, could be seen as a conflict of interest. Most of the legislation that leads to sentence setting powers thinks that it's -- it is precisely combining those functions that's going to lead to a rational use of a prison.

Now I want to simply reiterate one point that Peter Greenwood made this morning and then kind of push us into some new territory in terms of the systemic impact of these -- of these new guidelines on the entire of youth corrections in the State of California. The point that I heard Dr. Greenwood making was to point out that major capital costs are going to be required to run this experiment to increase time served; and that in terms of the sheer numbers of kids, I have no doubt, that if we build a lot of new beds in any correctional system -- adult or youth -- one way or another, we're going to fill 'em. That's the history of correctional facilities in the United States.

What I think the demographic statistics give us reason to doubt is that this is going to be necessary for reasons other than experimenting with time served. And I would simply indicate that increasing terms -- be them for Class 1 or Class 5 offenders -- is itself as much of an experiment with unknown impacts on crime rates as any of the treatment modalities that have been discussed earlier this morning.

But now what I'd like to move to is some specific impacts that increasing time served only within the CYA may have on corrections in California's juvenile justice system which have not yet been discussed today. And I'm really concerned about them. You know, you don't have really one correctional system for juvenile offenders in the State of California. You have three correctional systems. You have, in addition to the California Youth Authority, a series of county camps but something on the order of 3500 offenders right now in those camps which is a separate set of facilities to which youths are committed for many of the same offenses that they go to the CYA. There's more overlap in those county camps than there is any disjuncture.

Additionally -- and I'm not going to talk about the juvenile halls in detail -- additionally, you've got a juvenile hall system which you don't normally think of as a youth correctional agency, except for these 30- and 45-day post adjudication sentences. But let's face it -- the majority of kids who are detained in California juvenile halls before trial are done so on a punitive basis. That's their punishment. They get it before their adjudication. It is one of the distinctive characteristics of juvenile justice, and it means that we're talking about three different alternative correctional systems.

Now let's erase just thinking about the juvenile halls and pretrial detention and just talk about the situation that is created because kids can either go to county camps or the CYA for commitment for many of the same offenses, certainly all of those Class 5 offenses that were discussed earlier. When you've got both county camps and the CYA -- if you increase the amount of time to parole eligibility and to release in the CYA facility, one effect this is going to have is to increase sentence

disparity, namely, the disparity between the same kids sentenced for the same kind of offenses to CYA facilities as are sentenced to county facilities. Those county sentences are shorter now. The gap between them, which may be troublesome on an equity basis, will widen. And that's one issue, a disparity issue, that I think probably should be addressed by the -- by the planners.

There are two related issues about having those county camps available which disturb me very specifically. One of them I'm going to call the possibility of backlash. And here, what I'm going to suggest, is, that even if you're increasing time-served guidelines for Class 5 offenses because you want to increase incapacitation, you may really decrease the incapacitation time for Class 5 offenders by doing so. The backlash possibility that I'm suggesting -- and let's take a county like Los Angeles -- is the juvenile court judges are aware of the time-served guidelines that are issued by the Youth Parole Board. Therefore, there may be judges in a Los Angeles county that decide, that because the gap is getting wider and the sentences are getting longer at the California Youth Authority, rather than send a Class 5 offender for the 13 or 14 months that he might have been sent before to the CYA, if it goes up to 18 or 20, he will keep them in a youth camp where what might be one of the younger and more high level of the offenders will be incapacitated for less than half the time he would have been under the lower guidelines. How real this backlash possibility is in the large metropolitan counties is a question that is yet to be determined and can be determined empirically. But it is the case that it is the high crime rate, high volume metropolitan counties where this is most apt to happen. And again, what disturbs me about this possibility is that I don't see it raised or related to by the people who are doing the planning.

Let me balance that out with one that was raised in the last testimony that you heard this morning; and that is, the possibility of financial incentives leading to the commission of kids to the CYA who are the wrong kids for those guidelines. It happens, that if the counties, if kids are committed to the counties, the counties have to pay for them. This creates an incentive particularly in the low-volume, low crime rate counties to send kids to the California Youth Authorities for those Class 5 and maybe Class 6 felonies who would be in the metropolitan counties considered much lower risks, candidates either for the juvenile hall or, at most, for short camp sentences.

Since the fiscal carrot suggests -- to those judges who were worried about that -- sending kids to the California Youth Authority for reasons other than the particular risks that those kids mentioned -- you may have inappropriate, inappropriate commitments -- serving time under a substantial number of guidelines that were set in terms of the offenders from the large metropolitan counties, many of whom will not be committed because the judges are reacting against the ratcheting up of the terms. These are only examples of one rather simple statement, and that is, that without specific risk assessment, any incapacitation policy at the CYA that is meant to be general -- it just goes class by class to categories of offenders -- is doomed to be far too crude to be efficient and may risk making rather catastrophic errors.

Now I want to make only one sort of law professor point and then I'm going to stop. I do find, while I have generally been sympathetic with the parole function and one that operates on a centralized basis in state government, I have a peculiar problem with the parole function that was

described this morning. What I like about centralized state parole boards is that they have the opportunity to control correctional populations, and they have the opportunity to correct imbalances that exist when individual judges in widely varying counties send masses of offenders for different terms to the state penitentiary or to the state youth correctional systems knowing the state is going to pay the bill and unconcerned about disparity. Those are good reasons to have parole boards. The problem with the Youth Parole Board is that it seems to be trying to perform two functions which are inconsistent with one another. One of them is public protection and incapacitation guidelines, so it sets its eligibility, the first parole, in terms of the public's need for protection from large classes of offenders. It goes up from 15 to 18 months because the public thinks it should. But 18 months is then when an offender is ready to find out when the rehabilitative programs are starting to work on 'em. It could be 18 months or 21 months or 24. The inconsistency is this: If you were serious about individual determinations of responses to treatment programs, then the guidelines, of course, would have to extend much further back. They'd have to be 9 to 24 months. They'd have to mean much closer for Class 5 offenses than class 2 offenses. If your decision making is dominated by crime seriousness, then you might as well say that you have a determinate system and not hide behind the ideology of individual risk determination. The one thing it seems to me that it's most difficult to do is what was described today as the parole function, and that is, to have your cake and eat it too, to be serving both masters and to be doing so equally. I don't think that's a difficult trick to pull off; I think that's an impossible one.

Thank you.

CHAIRMAN PRESLEY: The financial incentive point you raised, I suppose could apply to the adult system as well where judges are inclined, in some instances, to send to a person to state prison rather than lay the expense on the county.

PROFESSOR ZIMRING: Absolutely. And I think it's one of the primary determinations -- determinates -- not just in California but in many states that we've studied of the enormous increase in prison admissions that started in the mid-1970's and has continued. At the margin, the problem in adult corrections is that he who pays the piper doesn't call the tune; that the decision to commit to prison and the decision, really, for how long was a decision that was decentralized at the county level and that the bills were paid by the state. And the need for counter-incentives there led to the probation subsidy programs -- has been a perennial problem in adult corrections. It is, of course, a particularly pressing problem in post-Proposition 13, California. And particularly, it's a forceful problem with the county camps because here the counties were doing something creative, were spending masses of money; and that entire system is one that is unprecedented in adult corrections. It's that midpoint between the juvenile hall cum jail and the California Youth Authority. And it meant that the Youth Authority's relative share of juvenile offenders was much lower in California corrections than of adult offenders.

CHAIRMAN PRESLEY: If you could do just one or two things, what would you do to change this?

PROFESSOR ZIMRING: Well, I have to know how much czar-like power you're giving me here.

CHAIRMAN PRESLEY: I'm giving you gold --

PROFESSOR ZIMRING: The Governor or the king or just the -- just the head of a committee.

CHAIRMAN PRESLEY: Don't say "just the head of a committee."

(Laughter.)

PROFESSOR ZIMRING: Okay.

CHAIRMAN PRESLEY: We'll give you governor. Let's --

PROFESSOR ZIMRING: Okay.

CHAIRMAN PRESLEY: Just a couple of things.

PROFESSOR ZIMRING: I think the first thing that I would do as the governor of the State of California would be to instruct my youth corrections board to take public safety into account but to give me a set of priorities; that I wanted a plan that would maximize public safety while reallocating rather than increasing the number of kid years spent in the California Youth Authority. I think the second thing that I would do is a cost study on whether or not we could start subsidizing more cheaply counties to take additional offenders in the Class 7, Class 6, Class 5 zone, rather than increase bed space in the California Youth Authority. And I think the third thing -- although I'm a little bit less optimistic than Brother Greenwood -- that I would make part of a balanced initiative, would be an experimental private sector correctional program. And I'd want to put that -- this is what Governor Zimring would do -- it explains why I'm not a candidate for elective office -- and while there's no groundswell to make me one -- I would want to add, however, that a special reason to take those tacts now is, that much as there may be the need for capital improvements in youth corrections --one problem with saying, yeah, let's build more bed space like the Preston School of Industry --because we're going to have a lot of kids in this state in the year 2000 -- is you could hold hearings from now til Christmas of 1987 and you'll never get any expert in anything that tells you that the youth correctional facility of the future bears any resemblance to the scale, the structure, the locations, or the programs of the California Youth Authority. And I mean no disservice to Mr. Rowland and his outfit when I say that. They -- chief among them would be horrified at the notion that what we would decide to do with young offenders 15 years from now at the optimum. The kind of programs we should be planning for are the kind that they're delivering now. Nobody wants that, and that is yet another reason to avoid getting locked in on a bricks-and-mortar capital expenditure basis to systems and programs that are doomed to fail.

And I would like to address one issue that came up by one of your contemporaries who said listen, if you are going to try innovative private sector programs, wouldn't it be better to try them in local areas? And I think everybody agrees yes. But also try 'em with kids that aren't quite as tough as the kids that go to the California Youth Authority. And I think that that's just dead wrong. Obviously, if there's no other way of keeping score than your success rate, what you want to do is you want to have a really effective youth correctional system -- one that looks effective -- is you want nothing but Boy Scouts and virgins to be processed. They're going to have a zero arrest rate at the end. But if you're spending taxpayers' money and you have a limited amount of something that you think works, you have to ask yourself this: If you have only so much penicillin, do you want to use it

to cure colds or pneumonia? To the extent that you think that programming is really effective on kids, you want to take the most seriously at-risk 15 year olds you can find -- nasty kids, but they're still kids. If it can work on offenders generally, the argument in terms of cost effectiveness is to try it first on your worst cases. And if you don't do that -- if you decide in essence the California Youth Authority is going to become a warehouse for designated losers, then not only are the programs in the Youth Authority going to suffer, but so is its mission. Nobody wants to say I'm the Assistant Deputy Secretary of a program that locks up kids for a little while; that's what I do with my life. Gotta have a larger sense of mission. And in order to get that sense of mission, we've got to run our most promising experiments with our toughest-to-reach kids.

CHAIRMAN PRESLEY: That one's hard for me to follow. What --

PROFESSOR ZIMRING: Generations of law students have made that same point, Senator Presley. I'm sorry.

(Laughter.)

CHAIRMAN PRESLEY: What you're saying is that you wait until they get hard-core before you intervene.

PROFESSOR ZIMRING: No. I'm saying I am afraid that the most promising interventions that come on stream are usually directed away from hard-core offenders because people are afraid they have such a high propensity to fail, they don't want to try new ideas on the people that need it most.

CHAIRMAN PRESLEY: If you're saying that you want to take an experiment -- you have some kind of a program that you think maybe is successful -- and you say to experiment, let's experiment on the hard-core first, then I buy that because if you're successful, you know then it's going to work on the less hard-core. But to just say that whatever you use, your dollars that you're going to spend on programs you spend only on hard-core where you have the most difficult time of turning them around because they're further down the road, that's a little tough to follow.

PROFESSOR ZIMRING: No, I was talking about experimental programs. But I guess my point would be that most of the programs that have been described to you today are very much experiments. And I think there are two reasons why -- certainly you don't spend all your program dollars on the hard-core -- but with your concentrated enforcement or your concentrated treatment programs, you should start on the hard-core in the first instance because these are extremely intrusive and extremely expensive programs. The cost per kid in anything promising that's been described to you this morning is up around \$10,000 plus per year. Under those circumstances, it seems to me that you try the programming first where it's most needed and where it's really serving as an alternative to secure confinement. The problem with the way in which most of these programs get introduced is, that if you have in essence a high money, intensive intervention program which is used on kids who would be candidates for diversions, then you're doing nothing really to augment correctional overcrowding at the CYA; and you're probably expanding the net of social control over the youth population at the same time. So I think that there are arguments of civil liberty as well as convenience, as well as maximizing scarce resource that suggest that these are, I think, a focus that should remain with, among other places, the California Youth Authority.

CHAIRMAN PRESLEY: Thank you very much. You've been very helpful. I'm sorry I don't take your class.

Mr. Crogan and Mr. Buck, I understand you're going to make your presentations together. Santa Barbara and Contra Costa Counties' finest probation officers.

MR. ALAN M. CROGAN: Thank you, Senator.

First of all, Mr. Chairman -- and the other Committee members aren't here -- but we're certainly pleased and honored to be here today to speak in behalf of the issues of youth and children in crime. And Mr. Buck and I are here to speak in behalf of the chief probation officers of California. The -- we will have a dual presentation. I would like to cover the history of the camps. And believe me, I intend this to be brief and up to today's status. And then Mr. Buck will be carrying the data as far as the cost, the populations, and the program components.

I think, first of all, we need to compliment -- I'm meaning, meaning we, the Chief Probation Officers of California -- I think the excellent relationship that we have with the California Youth Authority. They have a responsibility to oversee -- the oversight of the minimum standards of both our juvenile halls and our camps. And they do an exceptional job, and they're a good group of people, professional people, to have in that oversight responsibility. The -- ironically, the county camps were established in 1927 in the County of Riverside. And ironically, the camp was closed in 1936 due to economic conditions. And that becomes more important as I move along.

Today's camps, as we know them, were developed through legislation, California legislation, in 1945. There were six counties that ran camp facilities; and then with the legislation, that in essence, subsidized camps at 50 percent of their cost in 1945, permitted the birth of five additional camps. And the intent at that time of the California Legislature was to do two things: To help alleviate the critical shortage of bed space in state institutions -- this is 1945 -- and to encourage development of local institutions for a greater variety of services, mind you 1945. Between 1945 and 1957 when the state once again stepped back into county camp operations and approved a dollar-for-dollar match for counties who wished to open up additional camps, we grew from 11 to 41 camps in 1957. That was 22 counties participating. Today, you have 23 counties that run 53 camps with a population of over 3900 wards run by county probation departments. You have more camps than you have juvenile halls. You have 47 juvenile halls in the State of California; you have 53 boys' camps. These camps we see at the local level as the last opportunity for community corrections to deal with a difficult population.

CHAIRMAN PRESLEY: Are these 53 totally financed by the county?

MR. CROGAN: They are -- there is some 80/90 funding that goes in. But the exact amount of funding that goes into the _____ is about 10 percent of the total cost. And the total cost to run the camp statewide is about \$68 million a year.

CHAIRMAN PRESLEY: So about 10 percent of that comes from the State.

MR. CROGAN: Through the County Justice System Subvention Program. And that's voluntary on the county's part whether to put any of those funds into their camp.

Our camps are like Youth Authority facilities in a sense in that they deal with a very difficult population, both at the very end of the juvenile justice system spectrum. And both facilities --

meaning Youth Authority and county camps -- do not have the prerogative to reject or not accept a ward as is the case in the private sector. And I'm not criticizing the private sector; I'm just clarifying. So we, in reality, deal with the most difficult group in the juvenile population category.

CHAIRMAN PRESLEY: You just made an observation about the private sector that I guess didn't come up in the discussion this morning, and that is, do they, by contract, retain the right to refuse certain wards in most cases?

MR. CROGAN: In most cases, it's required a placement visit for the private sector to accept that individual into their program because of their prior history as far as criminal behavior --

CHAIRMAN PRESLEY: So your --

MR. CROGAN: (continuing) -- and emotional behavior.

CHAIRMAN PRESLEY: (continuing) -- inference would be that they can sort of take the cream of the crop?

MR. CROGAN: That's --

CHAIRMAN PRESLEY: The cream of this not-so-good crop.

MR. CROGAN: That's exactly -- well, not so much the cream of the crop, but as they are -- they are the controlling factor in who they accept and who they do not accept; whereas camps in the Youth Authority have no, no ability to separate.

The other thing that is periodically brought up -- and I think it needs to be clarified -- is that -- and Mr. Buck will point this out to a degree -- is that our camps are rarely seen as being overcrowded, and yet part of the focus of this meeting here today is to talk about the Youth Authority's overcrowded condition. The Youth Authority has standards for our facilities that do not permit us to overpopulate our camps. We are not allowed to exceed a maximum capacity of 125. And to get to that level, we require their approval. Whereas they, of course, do not have that limitation. So what we do in reality is we overcrowd our juvenile halls which are holding that youth generally.

CHAIRMAN PRESLEY: By regulation, though, can they empower you to go over the limit?

MR. CROGAN: Can they empower us to go over as long as we have the proper facility, health care program, staffing, then yes, they can. But the ceiling as it stands now is 125. And any time you go over that 125 now, you're required to bring in a second administration. So economically, you generally cannot get your board --

CHAIRMAN PRESLEY: That's by regulation?

MR. CROGAN: That's by --

CHAIRMAN PRESLEY: Or law?

MR. CROGAN: -- regulation as I understand it.

CHAIRMAN PRESLEY: Statute? Let's look at that one.

MR. CROGAN: We just changed that this year through Senator Bergeson. We've took the ceiling from 100 to 125.

CHAIRMAN PRESLEY: We've raised it.

MR. CROGAN: We've raised it.

CHAIRMAN PRESLEY: Still not enough.

MR. CROGAN: I think that's really about as high as we can go because of the resources that we have in our counties. That's the other -- the part that I'm about to enter into now.

CHAIRMAN PRESLEY: I thought you raised it as a problem.

MR. CROGAN: Why was raising it a problem?

CHAIRMAN PRESLEY: I thought you raised it as a problem that you couldn't go over that limit because the Youth Authority --

MR. CROGAN: I was using it as an example of why, in the comments Mr. Buck will be making, is that our camps are not overcrowded, whereas the Youth Authority's overcrowded; the prisons are overcrowded and your juvenile halls are overcrowded. And the camps are not overcrowded because we have a limit on how many we can place in those --

CHAIRMAN PRESLEY: But you don't want to raise that limit?

MR. CROGAN: We've raised it to 125.

CHAIRMAN PRESLEY: You don't want to raise it any higher?

MR. GERALD BUCK: Maybe I can clarify. Each facility has a limit set on it. Most of them are far under 100. The programs that I operate, for example, are limited at 19, 20, and 74. I can't go above that limit in those programs because of the physical plan. So I can't overcrowd above those limits by the standards that are imposed by --

CHAIRMAN PRESLEY: By law?

MR. BUCK: By law.

MR. CROGAN: Senator Presley, we could overcrowd by putting people on bunks or on the floor, in tents outside the quad, or whatever; but we don't. And people have brought up comments regarding overcrowding. And I just -- when you hear the comment that our camps are not overcrowded, there's a reason -- they are not overcrowded; not because there aren't any individuals there that could be placed in those facilities, such as, in Los Angeles as been used, has -- they've been -- their juvenile halls have been overcrowded by up to 400 minors at a time. They're generally waiting for private placement and camp placements.

CHAIRMAN PRESLEY: What I guess I'm getting at is, if you had the latitude to put more in there, would you do it or do you want to do it?

MR. CROGAN: If I had the -- if I had -- well, my county's not a good example. But if I were in a Los Angeles, San Diego, Orange County that had the population that it was sleeping on the floor and I had the funding to build the additional dormitories to put 'em in, I'd put put in a minute.

CHAIRMAN PRESLEY: What if you just had the authority to overcrowd your camp; would you want to do that -- and leave the pressure on juvenile hall? I think that is what you're saying.

MR. CROGAN: I would rather keep the population in your juvenile hall because it's a more controlled environment, more easily administrated.

We feel our camps are a tremendous resource, certainly both to the community and to the State. However, we are slowly seeing -- we're losing grounds economically, as been discussed earlier today, Prop. 13; and in our case, in Santa Barbara County, we've reached a Proposition 4 limitation.

We've had Monterey County close its camp and then reopened as a public -- or as a private facility. And under AFDC-FC funding, it was closed or it is to be closed soon and become an honor farm. Imperial County was closed due to economic reasons and has since been taken over by the California Youth Authority. The boys' camp in Santa Barbara, which we opened in 1945, was one of the first camps. I would project it will be closed by 1990. Once again, economic reasons, our plants (?) are in terrible state of affairs, the physical conditions. There's -- the thing about camps is that they are non-mandated programs. And when you get into dealing with the issues of county government and priorities, it is a program that's very vulnerable.

One of the questions that was asked of me to be prepared to address was: What would happen if our boys' camp were to close; what population would the Youth Authority probably receive from our county? I estimate that 25 percent of our population would be placed or be recommended to the court to go to the Youth Authority. That's of an annual placement of about 120. So I would say we're looking at 12 additional placements per year.

CHAIRMAN PRESLEY: That will put 3900 who are in camps now. What percentage of those would you estimate would go to the Youth Authority if the camps were not there?

MR. CROGAN: I would --

CHAIRMAN PRESLEY: 25 percent?

MR. CROGAN: I would have to say that the figure that we use for our facility, Santa Barbara County, which we went through on a case-by-case basis, is that if you used that as a minimum, considering some counties have a much tougher population than we do of, say, 25 percent or nearly 1,000 of the 3900, probably would be a fair estimate, if not higher.

To conclude at a close, I -- camps are a tremendous supplemental resource to the State. As they begin to phase out, either through economic conditions of not being able to keep up with capital growth or staffing issues, is that the State, our community as a whole, will certainly be the individuals that will suffer from this process. I think, as has been said by other speakers, that practitioners agree that local control is the best method or seen as the most viable method of dealing with youth. And we would certainly support and encourage the maintenance of our camp programs. As far as a recommendation on -- from me, Jerry has a few others -- is that I think a tremendous amount of effort was spent on Assembly Bill 419 which was the juvenile court law revision bill of three years ago. It needed two-year funding. It got one year and it wasn't finalized. A lot of tremendous amount of energy went into that, into the preparation of that document, looking at juvenile justice as a whole in the state; and some excellent recommendations were made. And if recommendations are made from this Committee, which I'm sure there are, and if some can be pursued, I would -- I would encourage further pursuit of the juvenile court law revision because it deals with philosophy, goals, directions, population, structure of court, the gamut -- adversary versus guardianship. And that would be my recommendation, Senator. And with that, I would like to turn the rest of the --

CHAIRMAN PRESLEY: Were a number of those recommendations implemented?

MR. CROGAN: Some were, but they were --

CHAIRMAN PRESLEY: Are there some recommendations from the commission that were not implemented that you would strongly recommend to be implemented?

MR. CROGAN: Speaking as an individual now, I would encourage honest pursuit of the restructure of the juvenile court process to consider anybody 14 years of age and under, under a pure guardianship court system; and those 14 years of age and above be part of a juvenile superior court process which would mean all due process meaning the adversary setting. I think that --

CHAIRMAN PRESLEY: Adversarial past age 14.

MR. CROGAN: Past the age of 14. We're there in reality.

CHAIRMAN PRESLEY: Um-hmm.

MR. CROGAN: Your Senate Bill 1637 last year, I think, was in a way, you know, speaking to the issue of youth but at the same time recognizing that there is a certain population of juveniles that aren't kids.

CHAIRMAN PRESLEY: Um-hmm.

MR. CROGAN: And they do need to be housed in jail facilities. And your bill does permit that in certain cases. But last year, again, Pat Johnston's bill, 3061, supported by our association, which has been passed, is that once a minor's found unfit, they are always unfit for the juvenile court process. Second of all, if they turn 19 years of age and they're still in juvenile hall, they can be transferred to county jail. We in reality are treating juveniles as adults.

CHAIRMAN PRESLEY: If you don't mind, why don't you review those commission recommendations.

MR. CROGAN: Be happy to.

CHAIRMAN PRESLEY: And prioritize them in the view that you think they ought to be implemented, in your view.

MR. CROGAN: My personal view.

CHAIRMAN PRESLEY: And Mr. Buck maybe.

MR. BUCK: I think the Chief Probation Officers would be happy to give you your input on that.

CHAIRMAN PRESLEY: I don't know if we can implement it, but we can sure take a look at it and consider it.

MR. CROGAN: We'd be honored to do that.

CHAIRMAN PRESLEY: Okay. That concludes your testimony?

MR. CROGAN: Yes, sir.

CHAIRMAN PRESLEY: Mr. Buck.

MR. BUCK: Senator, I'd like to follow up with the testimony from probation and speak to, specifically, some things we've learned about our own camp facilities just recently. And it seems, that with a long and rich history of camps, that we perhaps should have known more about them on a statewide basis than we have through the years. But that has not been the case. Typically, we've known about our own in our own counties, but we haven't known about our system. And so we embarked upon a comprehensive study of research and evaluation in cooperation with the Youth Authority beginning in 1983. And the results of that are just starting to come forth and will be

published in its final format sometime in the early -- late spring or early summer of next year. But I do have some information in that regard that I'd like to share with you 'cause I think it does relate to the topics being discussed in relationship to the Youth Authority's overcrowding.

As has been said, the county camps provide some 3800 beds. I think it's important to realize, that while the camp beds are rated at 3800, they're not all budgeted by the County Boards of Supervisors. There's only about 360 of those beds that are actually budgeted by Boards of Supervisors. It's also important to recognize that not every bed is filled 100 percent of the time as Mr. Crogan said. So actually, at any given day, we have about 3300 youngsters in our camps. Now there's two ways of measuring institutional programs. I prefer both of them alluded to here today. I call it the full bucket and the overflowing bucket. You can measure how many kids you have by looking in the institution on any given time, and that's the level of the water in the bucket. Or you can measure it another way by how much water goes in and how much water flows over the top. My preference is to look at how much flows in and how much flows over the top because I think it tells us perhaps a little bit more. Using that theory, our camp programs' process during the course of a year, 6600 delinquents. And during the course of a year, there are approximately 2200 new juvenile court commitments to the Youth Authority. And so we deal with probably three times as many youngsters in our camp programs as the Youth Authority institutions do using that approach.

We also have camps that are locked. Fourteen of our -- excuse me -- 11 of our camps statewide are locked facilities. These are programs that are highly secure for those serious offenders that we deal with at the local level. We also have camps that provide programming for inter-county -- through inter-county contract or camps that are operated on a regional basis such as Found (?) Springs. One of the things that we're noticing is that camps that are contract bid -- that have contract bids are going locking because the counties -- they typically have used those contract bids -- can't afford it because the cost is going up and there are other demands on those dollars. And indeed, you can place a child in the Youth Authority or an AFDC community care placement at much less cost. The population in our camps has gone up. Since 1979, it's risen about 36 percent. And we have added beds since that time to accomodate that increase. The annual cost is about \$66 million. And most of that comes from the county general fund.

In looking at the research study on the cost per child per month, we found that there's really very little difference on the average cost per month in our county camps and the California Youth Authority. It's a negligible difference in costs per month. However, the per-child or per-youth or per-offender cost is quite different. It -- at the time the study was done, the average stay in the Youth Authority was 14.5 months. At that same time, the average stay in a camp was just under 6 months. So consequently, if you take the cost for one child to either go to the Youth Authority or to a camp -- and it's quite different -- in fact, it's two and a half times more expensive for a youngster to go to the Youth Authority than to go to a camp because of the length of stay. Now that was a -- that study was going back to 82-83 when it was 14 and a half months. If we use the current 18-month plus figure for average stay, it will be even greater. Now --

CHAIRMAN PRESLEY: Since you have that short a period of time, can you do much

programming?

MR. BUCK: I think we can do quite a bit of programming. That's an average. Averages are sometimes deceptive. You know, when you -- if eat an apple, it tastes one way. If you eat applesauce, it tastes another way. And applesauce is an average of apples.

CHAIRMAN PRESLEY: That's interesting.

(Laughter.)

MR. BUCK: The camps run from programs that are well over a year to programs that run 30 days. And I think what county probation departments do and programs that we operate try to do is to tailor-make the program to the youngsters' needs. So yes, to answer your question, I think we are meeting the needs of the youngsters with an average, overall camp program of six months.

Now for example, in Contra Costa County, we have programs ranging from 30 days to 9 months. Our average is less than six months. Our average is about three months. But for the youngsters we're dealing with, I think we're effective. I know we're effective.

CHAIRMAN PRESLEY: See, the obvious result of that question would be, if you can do the programming effectively in six months, why should the Youth Authority keep them for 14 months? As was testified by the Chairman of the Board, all these people are kept there so that they can complete these treatment programs.

MR. BUCK: That's true. One of the things that -- another factor though is that we certainly recognize that the youngster's going to the Youth Authority. The youth being committed to the Youth Authority are of -- are older and more serious offenders than we're dealing with at the camp level. So that has something to do with it too if one looks at the value of incapacitation and the whole business of community protection. So that's part of it as well. We recognize that. There are -- perhaps there's not as much difference though in some regards as one would think. The average age of admission to our camps is 15.7, just slightly below the average age of admission to the Youth Authority. We have mostly boys as does the Youth Authority. Twenty-five percent of our population has committed a violent offense against a person; six percent of them have drug problems; 33 percent of them have gang history; and a whopping 76 percent are far below in grade level; they have educational deficiencies. And those are things that we try to work on. Most of them have been tried elsewhere. A lot of them have been placed in community care facilities and have failed.

The thing that I do want to share with you is what happens in the camp program; what are some of the initial indications of outcome. We know that about 80 percent of the camp graduates do not go on to be committed to state prison or the California Youth Authority two years after their successful graduation from a camp program. I said 80 percent do not; that means 20 percent do, obviously. Those figures are exclusive of Los Angeles County. If we include L.A. County, it goes up to 72 percent and 28 percent. In other words, 28 percent of the successful camp graduates, over a two-year period, do indeed get committed to either CYA or the Department of Corrections.

Now overall, 82 percent of the youngsters going into our programs do complete those programs successfully. In other words, they finish the program. They go back into very large probation caseloads, sometimes ranging up to over 100. Now if you have a serious case that's coming out of a

camp program -- say he's been there six months, has made progress, and you take that same youngster and dump them back into a high probation caseload -- it's not too surprising that we see some failures in the after-care part.

A lot has been said about costs. I mentioned the monthly cost -- the direct cost of providing services in camps and in CYA is about the same if you look at them as a group. If you look at the number of youngsters coming out of camps and out of CYA who have a subsequent charge and conviction or findings in juvenile court -- if you want to measure failure or success that way, and there are many ways to measure failure and success, as you know -- that's one way. But if you want to measure it on a subsequent re-conviction or findings on a petition, which could run the gamut from a traffic offense to a technical probation violation up to a homicide, then the outcomes look like this: The camp recidivism offered after two years runs about 68 percent -- excuse me -- let me back up. It's 62 percent without Los Angeles. We always do this without Los Angeles and you have to add Los Angeles. It always seems to make a difference. The -- it's 67 percent overall. And the California Youth Authority recidivism measured on any subsequent conviction or sustained petition is about 69 percent. Now what the research has done, when controlling for the different levels of risk, because the Youth Authority has more serious type youngster, more priors and so on, when that's controlled for, the effectiveness rate is just about the same. There's no statistically significant difference between the Youth Authority success rate and the camp success rate.

CHAIRMAN PRESLEY: Yours ought to be a little better, shouldn't it, because of the less serious --

MR. BUCK: Well, I would hope that it would be. But remember now, that's based on any conviction, including a minor conviction. A lot of those don't result in re-incarceration. I think the Youth Authority -- I think Jim Rowland testified that about 50 percent of the CYA youngsters get re-committed; is that correct?

CHAIRMAN PRESLEY: I think that's what he said.

MR. BUCK: And 20 percent of the camp graduates end up being committed. So there is a difference.

CHAIRMAN PRESLEY: 20?

MR. BUCK: 20, excluding Los Angeles.

CHAIRMAN PRESLEY: That's another country.

(Laughter.)

MR. BUCK: So certainly, there's something to be looked at in studying the whole situation with the California Youth Authority about what's happening in the camp program. And we have some tools through this research study to begin to really take a microscopic look at the camp program, how it's working, what kind of youngsters we have in the camp programs, what kind of programs we offer. And we think that will be to our mutual advantage as the finding is continued to come out.

Now what about the future of the camp program? And Alan alluded to this briefly. The camp programs as operated by probation departments are struggling along; and in some cases, the struggle is being lost. I know that through some very tough budget years that we went through in Contra

Costa that I had to put my institutional programs up for potential cut every year for several years. Fortunately, the Board came through with the money and we kept them open. But they had to be put up for cut because I can't justify running an expensive institutional program at the cost of not providing a superior court with probation investigation reports which I'm required to do by law. I'm not required to operate a treatment institution. So there's a temptation to cut in that area when you're hard pressed.

Another reason that we're faced with a temptation to cut in that area is the whole AFDC issue. Once the county recognizes that perhaps they could lease that facility out to a private provider who can be licensed and the county can get 90 percent of the cost paid through AFDC for placing a child in that facility, it becomes very tempting to the policy makers at the local level, despite what a probation officer may or may not like or want. So I think that's another factor.

I think my recommendations in terms of the camp program as they relate to CYA populations is that there is a need for state subsidization of the cost to provide incentive to retain and expand local programs as had been mentioned today by several of the witnesses testifying. I think our programs at the camp level need enrichment. I'm not satisfied with the programs that we're offering; I'm not satisfied with the success rates. I think we need to do a much better job in education, drug treatment, vocational preparation, and providing mental health services, and most importantly, providing effective after-care follow-up when the youngsters come out of those camps because that's what is really important. That's when they fail or succeed. And to put them back into very high probation caseloads is very wasteful in my view.

I think there's one last connection with the AFDC issue that I do want to mention and then I'll stop talking and answer any questions you might have. And that is the whole issue of some 4,000 delinquent wards that are in community care facilities apart from any of the youngsters we've been talking about here today. We have that many in community care facilities privately operated.

CHAIRMAN PRESLEY: How many -- 4,000?

MR. BUCK: 4,000, roughly.

CHAIRMAN PRESLEY: Are you talking about group homes?

MR. BUCK: Group homes, yes, sir. Should those delinquents ever, for whatever reason, become not eligible for that board and care through AFDC, many, if not most of those youngsters, would have to be placed in our camps and ranch programs at the local level. Many of them would. If that happened, the more serious delinquents that we have in our camp programs would surely be committed to the Youth Authority. And I would guess, that if we lost our camp programs or had to use them for some of those other youngsters, maybe upwards of 50 percent of our camp population might be eligible and suitable in the eyes of the court for commitment to the Youth Authority.

We think the camp program works well, those of us that run the programs; but we also think that the camp programs are constantly in jeopardy and the programs need to be enriched to be more effective with the youngsters we have. It is a system, as had been said -- as Jim Rowland said this morning, you can't rock one side of the boat. I think that's a very, very good statement to make because what happens at the camp level, what happens at the probation level certainly is going to

have impact on the California Youth Authority.

CHAIRMAN PRESLEY: So you're just saying that you think, as money gets tighter with counties, it will be more and more inclined to close those camps which would result in maybe 25 percent of those 3900 going to the Youth Authority and just further overcrowd your existing juvenile halls. That's the rest of it.

MR. BUCK: I think that's true, yes. I think that's true. I think --

CHAIRMAN PRESLEY: Probably what you're saying is that you'd like to see some more state subsidy to help keep those camps open.

MR. BUCK: Keep them open. And also I think we could deter a number of commitments to the Youth Authority if we had the resources to do the job. I'm confident of that. Mr. Crogan and I, from our counties, we don't have a whole lot of youngsters going to the Youth Authority. Together, we probably send less than 100 a year. But I'm sure, that given the resources, we could drop that number down to a very low number.

CHAIRMAN PRESLEY: What would the resources be? Example.

MR. BUCK: Well, for example, I have -- within my juvenile hall -- I have a 20-bed unbudgeted unit. I could institute an intensive care for serious violent offender -- offenders in that unit for something in the vicinity of 250,000 a year that could deal with -- I don't know -- 20 to 40 maybe.

CHAIRMAN PRESLEY: What you'd need is personnel then.

MR. BUCK: Yeah, we'd need the personnel.

CHAIRMAN PRESLEY: Yes. Okay. Thank you very much.

MR. BUCK: You're welcome. Thank you.

CHAIRMAN PRESLEY: Cheryl Stewart. What I'd like to have you do, if you don't mind, in the interest of time, is just hit us with two or three high points that you have. And then if you'd submit us a written statement on it, on those costs.

MS. CHERYL STEWART: Thank you, Mr. President. Some of the auditors will be passing out a handout and will make certain comments -- there we go. I would like to comment just briefly on this handout. The first table that you see before you is a summary that we prepared for you of all the resources that the State is channeling to the local governments. These are state and federal funds and bond funds. These are all going towards juvenile justice activities. It's about \$320 million that the State is channeling in the current year's budget to local governments for juvenile justice. This includes -- one of the key programs is the County Justice System Subvention Program.

CHAIRMAN PRESLEY: And where you say "activity," is that a description of all those different programs?

MS. STEWART: This is what is all listed in this -- the three pages of the -- first three pages of the handout, like the first one is that County Justice System Subvention Program. It's \$70 million that goes primarily to probation departments. Some of the other key activities that the State is assisting the locals with include education programs. As you see on that first page, there's another \$77 million that the State general fund is subsidizing the local governments for general and special education programs in county juvenile halls, camps, ranches, and schools. There are other education

programs as well. There's also the -- on the second page, we list Social Services programs. There's over \$100 million through the AFDC program. Those are reimbursements to counties for the cost of placing youthful offenders in community-based residential treatment programs. There's another \$23 million that's going to local governments for child abuse prevention and intervention programs. A variety of OCJP programs totaling approximately \$10 million, and then \$20 million is being provided through the County Jail Bond Act of 1986 for county jail construction and local juvenile facilities primarily.

CHAIRMAN PRESLEY: So you're -- so it's about 320, \$318 million?

MS. STEWART: Right. And we're just providing this to you so that you know that there's a wide variety of programs that the State is subsidizing in local governments. Randy can now --

CHAIRMAN PRESLEY: Have there been evaluations made of all these different programs?

MS. STEWART: These are reviewed in the annual budget review process.

CHAIRMAN PRESLEY: Who reviews them, a legislative analyst or --

MS. STEWART: Our office does; each of the subcommittees has a chance to look at the funding of each of these programs.

CHAIRMAN PRESLEY: Are there any of them that you think are not doing the job? What I'm getting at is, if we could free up some money, we might be able to subsidize these camps a little more which seems to be pretty important that we keep them operating.

MS. STEWART: Obviously, prioritizing is going to become even more important in the future as the Gann limit affects the budget. We will be --

CHAIRMAN PRESLEY: If you have evaluated those programs --

MS. STEWART: Pardon?

CHAIRMAN PRESLEY: If you have evaluated those programs, why don't you take them one through, whatever there is here, and just prioritize them. It doesn't have to be scientific, but give us the general prioritization of the way you view them in terms of their success and the results.

MS. STEWART: The problem with doing that, Senator, is that those are all policy calls. They're judgment calls about the importance of, for example, treating hyperactive children versus juvenile sex offenders. Those are really not the kind of questions that our office is very good at answering.

CHAIRMAN PRESLEY: What do you do then? You said you evaluated the programs.

MS. STEWART: Right.

CHAIRMAN PRESLEY: What do you do?

MS. STEWART: What we do is typically review the budgets of the programs, the mission statements, whether they're meeting the intent of the legislature when the bill was passed creating that program.

CHAIRMAN PRESLEY: Oh, just whether or not they meet the intent of the legislature. Nothing else?

MS. STEWART: We look at whether the money is being used effectively, if there's too much being spent on administration or if there's duplication between several programs.

CHAIRMAN PRESLEY: On the basis of the factors that you use, give us the priority based on

that and just say what they are so that we'll know then that it's not policy; it's these factors.

MS. STEWART: I'd be happy to sit down and take a look at these programs and see if there's any way to categorize these in any sort of way. We'll work with your staff --

CHAIRMAN PRESLEY: Yes, it may be difficult --

MS. STEWART: (continuing) -- to let you know. I'm afraid it's very difficult. We may be able to break these into certain, certain categories for you. But we'll have to give it some thought.

CHAIRMAN PRESLEY: Do you have the authority to request the data that you need?

MS. STEWART: We've received good cooperation from departments like the Youth Authority and in getting data on their programs. I don't know about the cooperation we've received from other departments, but I believe we have the authority to request on your behalf any information to evaluate the programs.

CHAIRMAN PRESLEY: Okay. You'll do that; and then anything else that you think we'll need to know you could give us a written report on it.

MS. STEWART: Okay. Randy's here -- Randy Hodgins is here to comment just briefly on several fiscal issues relating to Youth Authority.

MR. RANDY HODGINS: Senator, in the interest of time, why don't we turn to the last page of your handout and look at just a graphic presentation of the effect of overcrowding on Youth Authority general fund costs and what we think is going to be the pattern in the future. I think that you can see from this graph, we have a measure of Youth Authority per capita costs in both actual and current dollars since 1981-82. And beginning about in 1985-86, we start to see a decrease in per capita costs in terms of current dollars using 81-82 as the base year. And the primary reason for that being the fact that the Department is handling its population increases primarily through overcrowding which is, as you've heard today, is one of the cheapest ways of dealing with an overpopulated system. Based upon the Department's Master Plan, however, which calls for the construction of at least two 600-bed facilities in the out years, 89-90 and 90-91, we expect the Youth Authority per capita cost to increase rather dramatically in those years, I think in both actual and current dollars. I would caution you in terms of these numbers -- are based simply upon what we expect inflation to be in the next future years, plus the cost prepared by the Department in the Master Plan which we've not yet had a chance to review in any great detail. In addition, it doesn't include any other potential budget increases which might occur in the Youth Authority system, nor does it include one-time cost associated with the construction of the institution. So in a nutshell, essentially, the cost figures that we've given you here are bound to be much higher than what we've -- what we can anticipate at this point in time. The bottom line is population increase tends to fuel rapid increases in a department's general fund budget, and Youth Authority is no exception. The Master Plan that they've presented provides you with some interesting strategies for dealing with the population. If and when these become concrete budget proposals, we urge your close scrutinization of each one of them as a way to potentially mitigate the need to construct institutional bed space which, as everyone agrees, is the most expensive way of dealing with population overcrowding.

I might just point out last year you sort of began the process of trying to be pro-active with

Youth Authority overcrowding. You may wish to go a step further than the Department in their Master Plan. For example, last year in the the budget you adopted control language on those new regulations mentioned earlier by the Youthful Offender Parole Board asking simply that they delay implementation of the regulations until you've had a chance to review this Master Plan. As you know, the Governor vetoed that language. Consequently, the results of those regulations have -- going to add about 500 to 550 new wards to the Youth Authority system by the end of the 1990's, consequently resulting in the need for an additional 50 to \$60 million institution with operational costs of about \$18 million a year. So you might want to look at ways in the budget this year to control length of stay.

CHAIRMAN PRESLEY: Okay. I'm sure we're going to hear a lot more about it in the budget sessions.

All right. Okay. We have three witnesses left that I understand all want to come up together: Don Musselman from Chino, and Chita Cazares -- I'm sure we're butchering that name -- from Chino, and Dugan Weber from Paso Robles. And you're not any of those names.

(Laughter.)

MS. SHERRIE GOLDEN: You know that. For the record, Mr. Chairman, I'm Sherrie Golden representing the California State Employees' Association. The three people to my left are all teachers in the Youth Authority, members of the Association, who are here to provide the Committee with testimony regarding the classroom size issue which you've heard something about today.

I would just like to take the opportunity to thank you, Senator Presley, and Jane, for allowing us the time and having this hearing to express our concerns over an issue which we feel is very, very serious; and hopefully, we can find some solution to the problem that we're having with this classroom size issue in the Youth Authority. And now I'll turn it over to Mr. Musselman.

MR. DON MUSSELMAN: Thank you very much. I also want to extend my thanks for allowing us the time today on your busy schedule. I won't take too much of your time. I had devoted some of the time in my statement to some of the statistics that have already been covered. And there's been a number of issues already covered. And I won't go over them again.

I would like to say that my primary concern is for the 525 educators in the Department of Youth Authority. It includes a vocational instructors, the librarians, teachers, and school psychologists. We are concerned as well with other employees, and we're very much concerned with all of the wards' welfare as well. Of these 524 (sic) people, I really mean to say that they are, the vast majority, are a dedicated bunch of people. They didn't come to work for the Youth Authority and get into education to make a bundle of money. They felt that they had something to give and this was their way of giving it. It goes for both vocational and academic instructors.

The overcrowding as it affects the classrooms is that the first thing that goes is the quality of your education; your class size becomes too large for the quality of your education. Second then, it goes larger from the overcrowding and then you are concerned with the safety of yourself and your students. In the education section, this is the safety valve for the living units and the pressures on the wards in the living units. They get out of those units and they hate to even go back. They would stay there four or five hours later. They don't -- they don't want to go back. They come out; this is

their safety valve; they're out there; they're engaged in learning a trade, working, or in the academic classes.

I teach a community service class, which is a work experience. I take a crew of 15 wards out into the community. I've been doing it for three years. The wards work a seven-hour day out on the -- in the community. They receive no pay. They learn good work skills. I do a great deal of construction work -- they -- some of it quite sophisticated. We've done a lot of work in San Bernardino County, Chino, Riverside County.

The pressures that they get built up, they bring to us. And many times, this is their only escape. And we become a haven to them to get away from that. So -- and we are concerned for the safety of the wards. The process is, that first, you run out of space for shops and floor space. Secondly, you're going to shut two classes in one shop or two classes in one classroom -- two instructors, two teachers. Then they go to the double shifting. Right now, we're running classes from 7:00 until -- in the morning until 9:00 at night. Actually, counting our bakery and our food service workers, it's longer than that because they go into work at 5:30 in the morning.

CHAIRMAN PRESLEY: You said two teachers per class; is that what you said?

MR. MUSSELMAN: Yes, in some -- that's one remedy. You have a large shop; you have one class in it. We're going to put two classes in it. Sometimes it's a beginning in --

CHAIRMAN PRESLEY: Well, you wouldn't have two teachers per class but you'd have two classes.

MR. MUSSELMAN: Yeah, you'd have two teachers; you'd have two teachers in there. Instead of your 18, you would have an assignment of 36 and two teachers. They would be teaching the same thing. Recently, our auto body shop or our auto shop instructor was at one teacher in there. We've traditionally always had two in there. They have just hired another one.

CHAIRMAN PRESLEY: What would be an average class size of a vocational class?

MR. MUSSELMAN: Right now, we are set at 18.

CHAIRMAN PRESLEY: 18.

MR. MUSSELMAN: Now in order to achieve that, they assign 24. But you -- 18 is your limit and you must send back -- this involves a lot of class time when you have to --

CHAIRMAN PRESLEY: How about the --

MR. MUSSELMAN: (continuing) -- pick six people. Who are you going to -- what are the six people, if they all show up, that you are going to send back?

CHAIRMAN PRESLEY: How about the academic class size?

MR. MUSSELMAN: Same thing.

CHAIRMAN PRESLEY: Same?

MR. MUSSELMAN: Um-hmm. The other --

CHAIRMAN PRESLEY: Of course, you have a more serious problem; but that's pretty close to public schools, isn't it? Public schools, 20?

MR. MUSSELMAN: No, I think -- I think public schools are considerably more.

CHAIRMAN PRESLEY: They're about 29 or 30.

MR. MUSSELMAN: Yeah. They don't deal, however, with the emotionally and --

CHAIRMAN PRESLEY: Yes, I realize there's a difference.

MR. MUSSELMAN: -- educationally retarded students that we have. We -- I'll let some of the others get into those issues of the handicaps that we have. But we had -- when we had the juvenile commitments at the Youth Training School, and we had to keep those folks separated from our regular commitment. And we put in portable classrooms and put teachers in those portable classrooms in order to separate the two. I think right now, and I propose it to you as a solution right now, while we are out of floor space for shops and classrooms and no place to put any more in, there's no reason why you can't put in some portable classrooms and put academic classes in those -- in those portable classrooms. If we have permanent, academic classrooms, in which we do, which are large enough that it could become a shop, you can transfer that academic class to a portable classroom as well and then open up another shop. The vocational shops are hurt first because it's -- they require more space; they require more money, equipment to -- to fund 'em and to get them going.

I would like to talk about the traditional of education at the Youth Training School. In the late 70's, our ratio per teacher was 12.5 students per teacher. And in 1980, it had gone up to 15. And in fact, this is what they consider the safety factor for staff and wards, is a safety factor of 15 to 1. And we were required to sign this statement. And I will just read one of it; it is policy statements. And it said: "Teachers are not allowed to retain more than 15 students per period per teacher, those students in excess of 15 that are sent back to the appropriate educational supervisor." The statement then is signed: "I, D. L. Musselman, 72880, have read the 13 policy statements; understand that I must comply with these policies as a requirement of my work."

And I do not understand how now, when we have got institutions bursting at the seams with a more violent-prone ward, more wards period -- and now 18 to 1 is safe. And I say that it is not safe and that the 15 to 1 is the actual, safe maximum ratio. And the solution that I say to that is, that once we get these portable classrooms, we can get that ratio down to the proper, safe ratio.

CHAIRMAN PRESLEY: How long has it been 18?

MR. MUSSELMAN: It went to 18, I believe, in -- was that '84?

_____ : '85.

MR. MUSSELMAN: '85, 1985.

CHAIRMAN PRESLEY: About a year?

MR. MUSSELMAN: I believe it's more than a year.

CHAIRMAN PRESLEY: Have you had an increase in assaults or incidents on teachers?

MR. MUSSELMAN: No, I can't -- I don't have any statistics on it. I wouldn't want to say. I do know that there's a lot more stress.

CHAIRMAN PRESLEY: I think you used the word "safe," so I just thought --

MR. MUSSELMAN: Yeah. Well, this was the safe standard, and it still is the safe standard for security personnel.

CHAIRMAN PRESLEY: But the fact that it went up to 18 -- there's nothing to justify, at least at this point, that safety has been jeopardized?

MR. MUSSELMAN: Except that the safety, I believe, of the inmates and wards, is jeopardized purely because you're crowding them into too close of a space in a classroom.

CHAIRMAN PRESLEY: At least it's been jeopardized by three?

MR. MUSSELMAN: (Laughter.) But -- and then tool control becomes another thing. You just have more people to watch and you become monitors and processors; and the quality of education goes down. And I am concerned --

CHAIRMAN PRESLEY: I'm a little surprised that you'd have the same number for an academic class as you would a vocational class. It seems to me you'd have a smaller group in a vocational class because you'd have to have more hands-on, one-on-one instruction, though you're not if you're going to teach somebody to fix a car or weld something.

MR. MUSSELMAN: True. But I have -- I represent both academic admissions and vocational instructors. And I can tell you --

CHAIRMAN PRESLEY: Okay. I understand.

MR. MUSSELMAN: I can tell you that I get the argument more so from the --

CHAIRMAN PRESLEY: Academic side?

MR. MUSSELMAN: -- people that teach the remedial academics, the A, B, C's and the two times two is four.

CHAIRMAN PRESLEY: All right. Who's the vocational person? Are you --

MR. MUSSELMAN: I am.

CHAIRMAN PRESLEY: You're what? You're academic?

_____: We're academic and not special ed and academic.

CHAIRMAN PRESLEY: Okay. And you're --

_____: _____ academic, remedial, and _____.

CHAIRMAN PRESLEY: Oh, you're outnumbered on your --

MR. MUSSELMAN: (Laughter.)

CHAIRMAN PRESLEY: Okay. Do you have something further?

MR. MUSSELMAN: Yeah. I had a solution that I believe, and I've heard it discussed a great deal from one of my peers, is that with the great deal of autonomy of education that is in the hands of each YA institution superintendent, in directing which way we're going to go with this education in making really the basic decisions; and while Director Rowland has said, that without education, there would be no reason for the Youth Authority to exist -- and I believe in the sincerity of his statement. He means it. However, our feeling is that education needs to come as a separate division, just as we have institution and camps division; we have a parole division; we have another division. And we believe that there would be a fiscal savings in the fact that the educational services would all emanate from the top central office. There would be an interchange from institution to institution of equipment and materials as needed. You would be more on the same line of what we are putting through in the Youth Authority. And a recommendation in that is that it would also give us a better quality of education.

As teachers under the present career ladder in the Youth Authority and through SPB are

precluded from going into any other promotional pattern except supervisor of vocational instruction or supervisor of academic instruction. The unit promotional line used to be open to us. I was at one time on the treatment team supervisor list for promotion. That avenue is no longer open to us. It's closed now, they say, because you do have no experience in the peace officer background. And that is where all of your higher management in the Youth Authority come from, is from the living unit and the security personnel. But my recommendation then is that CYA would create a division of education, to represent education, throughout the Youth Authority, and that they would raise the position of the -- of the supervisor of education for the Youth Authority to a level of deputy director to give them some input. We always are instructed and directed by and large by folks that have no actual experience or background in education. And that's just a fact of life. I'm not saying it as anything wrong with it. That's just a fact of life. We think that this would give you a savings tangible and intangible in money and that we would deliver a more educational value for your dollar. Thank you.

CHAIRMAN PRESLEY: Thank you.

Either one. Who wants to go next?

MR. DUGAN WEBER: Okay. Our game plan is changing here. Thank you, Senator. I'm Dugan Weber. I work on a forestry camp at the present time, 0 to 12. I also use Spanish as necessary. And I would like to address the fact that we are dealing with, first of all, special education students from the beginning. And I want to use some comparative aspects in this.

The court schools, those schools -- juvenile halls, court schools attached, day schools, and camps -- have a court school educators' convention. At that convention recently, the northern section, I question very thoroughly those teachers to find out actually how many live bodies were in their classes. By CYA jurisdiction, they are limited to 15. They actually have about 8 to 10 when compared to the same kind of level of education that we have. On rare occasion, they go up to 14; but those would be people who have the same reading levels.

At my own institution, we have 700 wards. When I entered there, the living units had 35. Whether by rook or by crook, the classrooms were being held by -- to approximately 12. We had had a murder in 1975, and I came in December. And everything was being done to keep a murder of a teacher in a room. And everything was being done to try to keep them down to safe levels which is considered to be about 12 to 1. Since that time, it has risen at times. And at one occasion when it arose, we had a teacher's jaw shattered severely and she went out.

Two years ago as class size arose, we had a series of class size grievances. At that time, they were rising to as high as 22, although the written statements by management were that they were still being held to 18 and 15; although they admitted off the record that they had themselves counted what I had counted. This means that we have at the present time, for instance, three-quarters of our students who should be referred by minimum requirements to special ed review. According to Law 94142 -- these are federal regulations -- at the present time, we are unable to even screen and keep screen 200 wards at that level; although three-quarters should be reviewed for that automatically because of discrepancies in reading level, between age level. Our reading levels, median, are six and

below. The screening device is inadequate in the Youth Authority. It is called the "TABE (?) test." It is not a true achievement test, nor is it allowed for 94142 references purposes. A true achievement test shows that their general knowledge, even though their reading level is six, will generally run to two or so. This has severe repercussions. For instance, I had a ward whose reading level was one. When asked at a particular conference how he was doing in school, he suggested that he would do better if he saw me. Now the day before, I had spent the entire day with this one student and he could not remember working with me. That ward --

CHAIRMAN PRESLEY: I hate to say this.

MR. WEBER: Yes.

CHAIRMAN PRESLEY: But you weren't very impressive.

(Laughter.)

MR. WEBER: That's right. That's right. There's another aspect also. I once -- at a conference we once asked a student if he felt that he was improving. And he said, "Absolutely." He now could remember walking outside the dorm and why he got there. And this boy was sincere.

The ward that we sent to parole with one year reading level had done an ideal program, absolutely ideal. He admitted that he was guilty, but he could not remember it. He had been under the influence of drugs and alcohol at the time. And he felt guilty because we told him he should. He wanted to do a perfect program. He had been placed on the forestry program as a matter of protective custody where we could simply threaten our larger wards with dire destruction if they did not care for this ward. Before the parole board --

CHAIRMAN PRESLEY: Go ahead.

MR. WEBER: Before the parole board, he was questioned as to whether he was sorry for his crime and he admitted he certainly was. And they also questioned him extensively on who his crime partners were. Now this youth could not remember the crime really. He only knew he had done it and believed us because we told him. He got no time cut and he came back in tears. And what are we supposed to do with these kinds of kids? But that's what we are dealing with.

Also, at the present time, we have a different mix. The classrooms, the regular classrooms, are one of the most volatile areas because they mix different wards from different gangs, different ethnic groups, different age groups, and at the present time, those of different mental stress areas which is new and volatile. In the old days, we could predict with a fair amount of success when we were into gang activity. I, myself, have picked up on signs and tipped off security to be on hand. And when they picked up the chairs and started at each other, I could jump up, distract them for the 10 seconds necessary to get security in there and stop it. That's a normal routine. We expect that. But with the new type of mix, you never know what's going to happen. They are actually weaker wards but more volatile and dangerous.

In regards to assaults, the question that you raised, "Are there more assaults," I want you to know that we are having a difficult time hiring and maintaining teachers. Six of our permanent teachers from two years ago when this started are no longer with us. One is out on IDL, permanently on disability and had her compensation taken care of. Another coach is undergoing a -- his IDL claim

at the present time. He was severely injured and is out permanently. And that happened about a couple of months ago. Because half our staff are not permanent, they are in a very dangerous situation on complaints and letting themselves be known as complaining. They don't wish to do so. Twice I have had non-permanent teachers come out of a classroom and I observed them. There was blood on their head. And I tried to get them to complain and to express what had happened, and they would not do so. I could not get them to raise a complaint. Now why? They did not want to be seen as weak while they're on probation.

In regards to other kinds of assaults statistics, I want to go back in general. My first day on the job on Los (sic) Robles, I go out on grade with them. I had fire status and GS status, plus teacher status. My first day on grade in 1976, I believe, in the Spring, a ward took a double bit to one of the counselors. The counselor simply picked up a container of food, jammed the ward up against the truck until his breath was gone. He dropped the double bit. When he did so, the staff put the container down and said, "Pick up that double bit and go back to work." Is that an assault? It is certainly a dangerous situation. So you never know what these statistics mean.

If a staff member is assaulted by a ward and knocks him out in just retaliation, he's very likely not to put the paper work in on that. To what good is it? We don't have enough investigators and we don't have the time to take care of that. And life must go on. And he has to take care of the immediate needs. And that's a reality. You have to really judge each institution differently.

With -- the same is true in the classrooms. We have a new teacher the other day. Is this an assault; is it not an assault? Is it on record; is it not on record? The student came out of the room, became agitated, turned, and was going to assault a teacher. The group supervisor happened to be at hand, dropped the kid; he got up, struggled free, and started to assault the teacher again. He dropped her again and managed to get him subdued with help. Is that an assault? Probably not, probably not mentioned. It's very difficult to get -- those are routine. Those are not abnormal. We have a difficult time with discipline in this regard, in the fact that we have no control over discipline. That student was going to be sent back into the classroom the next day. Only by extreme pressure by teachers coming very close to insubordination on our part were we -- have we managed to keep certain cases like that out. In regards to that, the Youth Authority maintains a manipulation system of transfer of wards. I overheard a supervisor from another institution noting that the wards we had on our main line had been in lockup educational situation in her institution. In other words, they had dumped theirs on us; and I'm sure that we are dumping our discipline problems back on them.

Nothing is being done in long range. As a matter of fact, the shortness of stay is having a detriment on our educational program. We are at 17 years, two months' average, 15 to 22. And the length of stay of our wards is six months and less. Length of time is important in a program for the staff to learn what is normal for that ward because your first safety valve is to know what is normal. You only know that over time by getting to know the ward. Because of the huge transition period, down to three months on the living units at times, this is exceedingly dangerous because we do not have our first line of defense.

At the same time, we have other major problems in the same area. We have the huge problem

of intermittence. Half our staff at a given moment are inexperienced. We are proving to be a recruiting device for corrections.

How do we compare with other special education programs? I pointed out that the court schools are actually live bodies, 8 to 10. We have an outside source, a language specialist, who is a contract teacher. She says, that on my unit alone, she has enough special education students to use up her full-time position -- and she is part time. She will not work in a classroom situation. She considers it risky to go into a classroom with a teacher and two aides. And she will not work except on a one-to-one or one-to-two basis.

We have others who would assert the same. We have a regulation that we should send two camps, 13 wards, and two Silver Lake drug programs, three wards each month. That's 16. Last month, we could not meet the criteria in our facility to send but three. They are too dangerous. And that's two outside camps.

You realize, of course, that we are indeed in heavy escape risks. I have participated in escapes. I've pulled one out of the brush last year shortly before a farmer was coming up on him with a rifle. Before that, we were very lucky. The three wards were white and had been under pressure. You can imagine what kind of pressure on, even our cottage. Despite all the attempts to protect them, they were under pressure. They escaped. At that time, they had the opportunity to mug a lady. And one of the wards talked the other two out of it. That's how close we were to dangerous situations. So these wards would be considered some of our weakest. But in a position of escape, they're exceedingly dangerous. All right. And they are also in danger of grave harm themselves because the public has a John Wayne attitude towards 'em. And we can't predict -- I remember the sheriff asking me, "Is he dangerous?"

And I said, "Well, not when he's in the institution, but I have no idea now." You know, I mean, how can I say that?

I think I've gone too far. I'm going to quit. I'm sorry. But I want you to understand that I believe that we are in a position of almost child abuse from the situation where the State, under these circumstances at intense pressure from -- on the wards -- is truly a form of child abuse, I think.

MS. CHITA CAZARES: I'm Chita Cazares. And I wanted to talk to you about some of the problems of overcrowding at YTS. But first, I want to read --

CHAIRMAN PRESLEY: I think you're going to have to get right on top of that mike there to be heard. Pull it right up close to you.

MS. CAZARES: All right. But first I wanted to read a proclamation.

CHAIRMAN PRESLEY: Can you pull the microphone up so we can hear you.

MS. CAZARES: Is that better? All right. Is that better?

_____: Yes.

MS. CAZARES: First I wanted to read a proclamation which was signed by Ms. McCarthy (?) who is a Director of Corrections. And this was for the Day of the Teacher.

It said: "Whereas teachers in California State Correctional Institutions are charged with taking society's failures and redirecting their life paths into education and training; and whereas these

classrooms and vocational shop teachers are dedicated to this awesome task and look beyond the deviant behavior to discover a unique person each student would rather be; and whereas correctional teachers provide education and training for 7700 inmates, most of whom have failed in public school and many of whom have learning disabilities; and whereas the correctional teachers are part of the security team that is charged with controlling and supervising men and women who have committed serious and violent crimes; and whereas correctional teachers fill a segment of rare and dedicated people whose efforts are little known, little praised, and little recognized. Now, therefore, I, Daniel J. McCarthy (?), Director of Corrections, in keeping with the Day of the Teacher, do hereby urge all employees of the Department of Corrections to join me in giving recognition to correctional education teachers."

And this is signed April of 1985. Now as you like to describe some of the situations we have at Youth Training School, it has already been discussed the type of wards we have in California Youth Authority, the fact that we cannot be compared to regular school because our students are the failures from public institutions. They are the failures from most social institutions, the families and so forth. They have committed every type of offense that we find at the state institutions. The ages of the very youngest perhaps would be from 12; in the juvenile camps to perhaps 25 at our institution.

Let me discuss for a moment the procedure of assignment to academic or vocational classes. We have divided the educational program into three parts: the vocational, the regular academic, and the remedial. And of the remedial, we usually say that that would be for someone who, whose test scores on the TABE (?) are from 0 to 6, notwithstanding the TABE (?) is not an adequate measurement for intelligence or for performance. But that is the test that is used. Psychological problems are not included. And the psychological problems, of course, which would affect a student would include the short memory span, the ability to stay seated for an entire class period, the ability to follow simple instructions, a person who has hearing or seeing deficiencies, et cetera, et cetera. None of this is taken into consideration when a person is being assigned a program. When I say a program, that means that he is given a vocation, usually of his choice, and then he is assigned academic classes according to his ability to perform. Remedial also means a person may not speak English or he may have very limited English. His ability to perform in his own language might be on the nine grade level; but because he is non-English, he is placed in remedial classes.

Let me veer a little bit from this. I want to -- I want to describe one class -- obviously a remedial class -- which is composed of 18 students. At this time, there were two blacks whose reading level was about second grade. There were -- there was one white whose reading level was about third grade. And there were 15 Latinos whose grades span was from total bilingual illiteracy to the ninth grade. Some knew the alphabetic, and some did not know the difference between an A and an O. One person remarked that there was no difference except the slant on the O was on top and the slant on the A was on the bottom.

What could we do in a situation like this when we are prescribing certain academic program? Well, all of them are put in individual instruction programs according to what they are able to handle. On one hand, people are coming up to the desk of the instructor to find out how to do square root but

the instructions must be translated into Spanish. The other person is trying to do mathematics, two plus two. The other person is trying to understand the directions to do two plus two. And the other person sits blank not being able to read any directions or able to comprehend anything.

CHAIRMAN PRESLEY: So I think that answers my question earlier about needing more one-on-one for vocational. You're saying you need one-on-one for those kinds of classes as well. They are all doing different things and at different levels.

MS. CAZARES: Yes, yes. The problem of illiteracy is a big problem in vocational because the person has to be able to read and write the security rules. And if he cannot, then usually he is given a tutor in order to understand the security rules before he goes back into the shop where his life might be in danger.

Invariably the classes are on a one-to-one workbook, tutorial approach. And this means then that the teacher is spending perhaps two minutes or three minutes or five minutes, depending on which squeaky wheel needs the most grease, and some people perhaps who are more timid or left in the back of the room, being ignored, or they fade into the background. Another problem with so many people pushed into one room is, that beyond the second row, it's difficult for the teacher to see who is in the background because she/he is confronted with wall-to-wall shoulders. And you cannot get behind this barrier to see some of the unacceptable behaviors that are being performed in the back.

CHAIRMAN PRESLEY: Did I hear earlier that you only have them in school about six months?

MR. WEBER: At our institution, it's six months maximum and they couldn't get it out of the computer to be completely accurate. But they said it's certainly no higher than six months medium.

CHAIRMAN PRESLEY: That's for both?

MR. WEBER: For El Paso de Robles School.

CHAIRMAN PRESLEY: Is this for both academic and vocational?

MR. WEBER: Correct. There's no discrimination.

CHAIRMAN PRESLEY: Do you think you're really, to this lady --

MR. WEBER: Chita.

CHAIRMAN PRESLEY: Do you think, given the short period of time, with those handicaps, you're really doing much good?

MS. CAZARES: Short period of time, no.

CHAIRMAN PRESLEY: You don't?

MS. CAZARES: No. It takes quite a long time for a person to, to be able to master --

CHAIRMAN PRESLEY: Are you saying that you keep them busy maybe for six months or less -- or that's an average? Could be less; could be more. But they go out of there relatively unchanged; is that what you're saying?

MS. CAZARES: For certain students who have higher academic ability, this six months might make a change in the behavior. For someone who does not have that ability, six months does not make a difference.

CHAIRMAN PRESLEY: It has just been testified to that we have 525 educators in the system.

That's a pretty heavy investment in CYA education. And if we aren't getting much of a return, it makes you wonder about the whole program.

MS. CAZARES: The return is worthwhile when you realize, that without an education, it's very difficult for a person to function in modern world.

CHAIRMAN PRESLEY: The return is what now? I realize, that if you don't have an education, it's tough to function in the modern world. But what was the other you said?

MS. CAZARES: I said, without an education, it's very difficult to function.

CHAIRMAN PRESLEY: That's true. We all accept that. But I'm just wondering if this short period of time that you have them and the minimal results you seem to be getting brings the whole program maybe under question.

MS. CAZARES: We have experimented with programs by offering class changes every week; but most recently, every two weeks. At this time, a person is able to change his scheduling, not necessarily his program, but is able to change his scheduling according to the way he sees fit. But sometimes, because of this ability to change, we have a 30 percent turnover in one class. And so a person might be moving from one teacher to another, and there is no threat of continuity from the class that he just left into the class into which he is entering.

I wanted to speak --

CHAIRMAN PRESLEY: Did you want to interject something?

MR. WEBER: May I suggest, that if there were no -- if there were no use of bus therapy, they would be in one spot long enough. In other words, if one institution were not unloading their immediate disciplinary problems and just switching them, they could remain in the program longer because the medium time in the YA is longer. If the programming --

CHAIRMAN PRESLEY: That was a little confusing because this morning it was testified that the time in YA was longer and that's why --

MR. WEBER: That's right.

CHAIRMAN PRESLEY: And then the Youthful Offender Parole Board chairman testified that they're kept there longer for a program, yet you're saying you only have them six months and that's not very effective.

MR. WEBER: And that's because of the use of bus therapy. You cannot simply -- instead of listening and programming people and stabilizing, you just stick them on a bus and put them in the next institution to be their immediate problem. If you kept them in one institution and stabilized it and if there were greater testing in the beginning, we could identify the problems immediately. We would be better off. Thank you.

CHAIRMAN PRESLEY: Okay. I'm sorry to have to rush this along, but do you have anything further?

MS. CAZARES: Oh, I could recount an extended story of one of my students.

CHAIRMAN PRESLEY: Why don't you just give us a quick summary, if you can. We have another hearing --

MS. CAZARES: Yes.

CHAIRMAN PRESLEY: -- we have to get into.

MS. CAZARES: Yes. I wondered -- you were talking about therapy along with education. One of my students entered juvenile hall when he was 12, and the next contact he had was when he was sent from juvenile hall to your school; from your school, he was sent to YTS; from YTS he went to DVI; and months later, he was transferred back to YTS and later paroled. And at this time, the fellow was not yet 21 years old. He was one of my students.

I would close by saying that remedial education poses the only solution, I believe, to contract some of the acting out and some of the behavioral problems and the adjustment problems of the student. And I would only think, that with reduced class size, the teacher would be able to have much more input and to therapeutic or in academic influence.

CHAIRMAN PRESLEY: Okay. Thank you.

MS. ELIZABETH RUSSO: Senator Presley, I would like to make some brief comments. I'm Elizabeth --

CHAIRMAN PRESLEY: Would you identify yourself.

MS. RUSSO: -- Russo.

CHAIRMAN PRESLEY: This is being recorded so you have to identify --

MS. RUSSO: Yes. I'm Elizabeth Russo, and I am the Senior Labor Relations Analyst from CSEA's staff assigned for the last 13 months to Bargaining Unit 3, the Education and Librarian Unit. I have met educators in Youth Authority up and down this State, and I think I am familiar with the problems. I'm familiar with the history of CSEA, trying to deal with the issues, to work in the collaborative, supportive effort with the State. But we have encountered some problems, and we think we owe an explanation as to why we are coming to you into the legislature at this point in time. We recognize that there are certain fiscal constraints that everybody has to take into consideration. We also believe that the Youth Authority and the Director is committed to education. But we feel that his hands and everybody else's hands in the Youth Authority have been tied. They've been tied by the Department of Finance. The Department of Finance in the summer of 1984 did a survey of the ward-to-teacher staffing ratio and they did a historical study. And they found out that the staffing ratio or formula that the Youth Authority was relying upon was developed back in the fiscal year 1947-1948 based upon the recommendation of the State Department of Education. And they were using as their standard what was the case for special students in the public school system. And they came down to this ratio of 15 to 1. Now we all know that over 40 years ago the type of ward that was being placed into the Youth Authority was quite different from the one we see today. You had, for the most parts, wards that were going in who committed misdemeanors, hubcap stealers -- maybe they stole cars for joy rides. You didn't have the number of assault cases, the drug abuse problems; you didn't have the rapes, the murders, and everything that you were seeing today. You didn't have the gang problems that you were seeing today. We, in fact, applaud in essence what the Youth Authority apparently did over the years. And that is they relaxed that figure of 15 to 1, and it did come down. And then, because, I guess again, because of physical constraints, the Department of Finance started pointing at that. But we don't see any appreciation of the value of education there.

They are not educators. They have their focus on one area. And I think the Youth Authority -- my understanding has been that they do have a commitment after security and protection of the community too, trying to rehabilitate as many of these kids; so that when they are released into the community, they do not turn once again on society, that they do develop a sense of responsibility. And you must personalize and individualize this kind of education to each kind of pupil. You want -- you can't impose standards that might necessarily work in the public school district. You have to figure out what will help that student feel good about themselves, help them develop their full potential. That takes a lot of time.

I would like to give you a very brief history of what CSEA's done. In '84 this Department of Finance report was released in October. CSEA, all through negotiations, was unable to get a copy of the Department of Finance report. On April 15, 1985, the Union proposed specific class size standards to this date during negotiations. In discussions with the State, it was noted by the then negotiator, chief negotiator for Unit 3, that they understood that Youth Authority was about to increase the staffing ratios -- excuse me -- increase the number of wards assigned to a teacher because of the double bunking problems, the overcrowding problems.

And very briefly, I would like to just read you what came out at that time. The response to the state was: We want no change over class size despite the persistence of CSEA at that point in time. A Youth Authority representative at the table explained that YA was trying to maintain to 15 to 1 class average. But the increase in population was currently resulting in this higher ratio. The State chief negotiator insisted that it could not guarantee a 15 to 1 ratio because, quote, those kids have to be put somewhere. Quote, we are not interested in manning or staffing, so our position is no change. There was no interest whatsoever in education. And although we have a security problem, we do have a responsibility to these children and to the community to try and work with those students, those wards. And Chita, Don Musselman, and Dugan, and other teachers and vocational instructors who are committed to working with the Department and working with this State feel that they can make a difference based upon not busing students from one institution to another, developing higher standards of education, keeping the class size numbers down.

To go on here -- let's see -- on June 17, again, CSEA gave in some specific recommendations for class size and tried to get the discussion going. In every single educator's contract -- and this is a point that teachers, academic teachers and vocational instructors tell us -- and in fact, in private conversations with representatives from the states -- they have in fact ridiculed their own -- CSEA's contract saying we can't believe that the teachers in the State of California working in our institutions do not have class size ratios -- wards-to-teacher ratios in their contracts because that's what you find in a professional teacher's contract. That's what you find when you have a real commitment to education.

We may be fooling ourselves for a while or thinking we're fooling the public, that we're educating these people, but we're not. The problem is not going to go away. It's not going to be cost effective to continue on this way much longer. We know that we have to be creative in finding solutions as to where do you find the money. Perhaps in Public Law 94142 there are more funds

available that the Department can tap on. We suspect that we need some assistance. And although we will when we go back to negotiations, certainly put back on the table once again class size figures and try and get in some real student discipline provisions where the teacher does have some control over the removal of disciplinary problems from their classroom -- and when those people come back in -- because that also is found in a professional educator's contract. You have teachers and vocational instructors who are feeling demoralized in this system. They are committed but they are feeling demoralized. There is a quick turnover. There is a difficulty because of the growing problems, the double bunking and the knowledge of the barriers that the academic teachers and vocational instructors are up against in the Youth Authority; that you will not find that teachers and vocational instructors who might have come years ago or just a few years back to work for these facilities are going someplace else. We have the baby boomers now, and we're going to find more competition from other school districts. So we need to do something to attract the qualified and dedicated people that we -- some of whom we've seen here today. We've got generalized class size language in our contract. It was the best that we could do. We hope that would -- it would work. It basically provided for the Union, CSEA, the opportunity to sit down and meet and discuss with the Department what they wanted to do. We hope that there might be opportunity for input. But unfortunately, what we heard up and down at all of our meetings, both statewide with Youth Authority here in Sacramento and then at local meetings, was basically, "Our hands are tied." And we hadn't been able to do anything. We feel that Youth Authority is frustrated themselves, although maybe they can't quite be as open with us as they would like.

I want you to know also, that when the elected representatives from our 2400-represented unit left the bargaining table last year, they were demoralized by the whole process because they felt that they had let their co-workers down. They knew what the problems were. Out of their frustration, they insisted, and CSEA did file an unfair labor practice on what we contended was surface bargaining. Purb (?) ruled no, it wasn't surface bargaining; it was hard bargaining.

You will find that heretofore that academic instructors and -- academic teachers and vocational instructors have not been a very -- a grievance-oriented group. In fact, they were a very dormant group. But since last year the number of grievances coming from Bargaining Unit 3, compared to all the other 19 bargaining units in the State of California have skyrocketed. And in fact, Bargaining Unit 3 -- and this was not organized from Sacramento; this came from frustration and anger, from teachers and vocational instructors at your institutions. They filed that they were the second highest Unit 3, was the second highest filer of grievances in the State of California. They were the highest number of grievances, health and safety grievances filed -- came from Bargaining Unit 3 from the teachers. And this can be found in the California Public Employee Relations Report which was published September 1986. And those figures are right in here.

Let me see. July 23rd, 1985, CSEA got an official letter from Department of Youth Authority informing it that they intended to increase the number of assigned wards. And, in fact, they went up from 15, so that they could maintain -- they went from 15 to 18. But, in fact, they could go over that number. And we have had instances of 27, as many as 27 wards in a classroom. And it was creating a

horrendous paper work problem, toilet problem, disciplinary problem. If you take the time to send those students back, dedicated teachers are saying, well, whatever time I have to do something with these students, some of them are trying to do it. Obviously it's creating a lot of stress

In August 27th, 1985, CSEA had a meet-and-discuss relative to this letter with Youth Authority. We had representatives from the previous counsel there. We felt that the Department was trying to explain to us what their problem was. But we didn't get any results as far as we were concerned from that.

On October 3rd, 1985, I participated in another meet-and-discuss relative to class size down at Paso Robles. And basically the same situation occurred down there. We didn't get any results. Incidentally, when I was there, the then superintendent, Chuck Kool (?), and I and Dugan Weber -- we were in one classroom observing. In the very next classroom, an alarm went off, tear gas went off; and a table -- as large as this table right here -- was split in two because of a gang problem in that classroom. And that is a daily occurrence in the Youth Authority as a whole.

On October 21st, 1985, Wayne Shada (?), who works at the Noah School for Boys, responded at the request of --

CHAIRMAN PRESLEY: Can you summarize these quickly.

MS. RUSSO: Okay.

CHAIRMAN PRESLEY: I know you'd --

MS. RUSSO: We --

CHAIRMAN PRESLEY: (continuing) -- like to give us --

MS. RUSSO: Yeah, I understand. We have really exhausted the process of trying to deal with --

CHAIRMAN PRESLEY: What do you think the size ought to be?

MS. RUSSO: What do I think the size ought to be?

CHAIRMAN PRESLEY: Yes.

MS. RUSSO: I would say, specifically, what we would be arguing for is 12, a classroom size of no more than 12 bodies, 12 wards in a classroom per teacher for the lower reading levels, below sixth grade, okay? No more than 15 in the higher grade levels. And, in fact, we do have some government code sections that show, that in special school settings, they called for 12. And that's why I -- even in looking at the Department of Finance report, which I was ultimately able to get through some very circuitous route -- it took me about three weeks of continuous calling -- I did not get it directly from the State, DPA, that is -- they call attention to the fact, that because the average academic characteristics of CYA wards were similar to characteristics of special education students, it was acknowledged -- and I'm quoting in the Department of Finance report -- that similar teaching standards should apply to CYA academic remedial programs.

There is a possibility and a probability of being able to educate more of the these wards, make them independent and make them feel good about themselves. These teachers, these vocational instructors, want to do it. They're asking for everybody's help. We will work with the Department of Youth Authority; we will work with the Legislature; we will work with the Department of Finance. They are a demoralized group. Whatever -- we want to work with everyone, but we want to see

results.

CHAIRMAN PRESLEY: Let me give you your first assignment.

MS. RUSSO: Yes.

CHAIRMAN PRESLEY: Help us find the money.

MS. RUSSO: Well, what we're suggesting is, I don't know. There are public funds apparently available. I haven't had a chance to personally research this to see if all of those funds from the Federal Government under Public Law 94142 have been exhausted. I understand that many of the teachers and vocational instructors don't know how to even, even process some very simple paper work to do this.

CHAIRMAN PRESLEY: You're saying that there's federal funds available for --

MS. RUSSO: I believe there are.

CHAIRMAN PRESLEY: -- education of this kind that the Department is not utilizing?

MS. RUSSO: I'm not sure. I believe there are. Tomorrow --

_____: Let me speak to that.

MS. RUSSO: Yes.

(Tape ended; however, the hearing was concluded within two minutes whereupon Senator Presley thanked all present for their participation.)

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SENATE SELECT COMMITTEE ON CHILDREN AND YOUTH
Senator Robert Presley, Chairman

TESTIMONY BY
James Rowland, Director
California Youth Authority

December 3, 1986

Mr. Chairman and Committee Members, I would like to thank you for the opportunity to discuss the issues and concerns regarding the increased population at Youth Authority facilities. Also, I would like to express my appreciation for the efforts of staff of the Senate Select Committee on Children and Youth in visiting several of our facilities and personally observing the existing conditions and programs at the institutions.

The Youth Authority periodically reevaluates its programs and planning process. In 1983, in keeping with that ongoing effort, the Department reassessed its population, programs, treatment and trends, as well as public concerns, and as a result of that work redesigned our mission statement to reflect the Department's legislative mandate to protect the public from the consequences of criminal activities by:

- a. Providing a range of differential services to youthful offenders who are committed to the Department by California courts, with such services directed toward permanent reduction of criminal behavior.
- b. Assisting local justice system agencies with their efforts to combat crime and delinquency.
- c. Encouraging the development of state and local crime and delinquency prevention programs.

The focus of the Department is to increase public participation, to make maximum use of facilities and to hold youthful offenders accountable for their behavior. This mission statement has been the underpinning for all subsequent

planning and program design, assuring that the Youth Authority's focus is to break the cycle of criminality by providing offenders the skills and opportunities to lead productive lives.

Policies

We can't look at the Youth Authority as an entity without considering the juvenile justice system as a whole. The Youth Authority is one segment of a system that includes a variety of options. In 1985, 230,961 felony and misdemeanor arrests of juveniles were made in California. Of these arrests, 70,955 petitions were filed, resulting in 2,490 juvenile court commitments to the Youth Authority. In other words, only one out of 100 juvenile arrests resulted in a Youth Authority commitment. The remaining petitions resulted in a lesser sanction, such as formal probation, commitment to local juvenile camps or community based programs, or a variety of other program options available to the juvenile court.

It is important for all of us to keep in mind that a change in any element of the justice system has a direct impact on the rest of the system. For example, a decrease in the number of wards put on formal probation could lead to an increase in the number placed in juvenile camps or committed to the Youth Authority. It is critical that all elements of the system be addressed in order to maintain an adequate balance and to assure system effectiveness. The Legislature has demonstrated its concern for the preservation of the local juvenile justice system in its recent inclusion of local juvenile facilities in the 1986 Jail Bond Act. This act allocated \$20 million for the construction or renovation of local juvenile facilities to assure that adequate options are available to the juvenile court. We must continue to embrace this kind of systemwide view.

In terms of options available to the Youth Authority, one that has been suggested as a possible means of reducing crowding, is exercising the Department's ability to reject commitments from the juvenile and criminal courts. The Youth Authority is the option of last resort available to the juvenile court. An increase in the number of cases we reject from the juvenile courts would limit the disposition the court has available. The Department feels that the minors currently being committed to the Department are appropriately placed. In general, judges are using their discretion wisely in sentencing delinquents to a variety of local programs and ordering commitments to the Youth Authority for only the most sophisticated youthful offenders appearing before their court. As we've previously noted, the impact of a rejection policy would be felt elsewhere, such as more commitments to local incarceration, for which counties are not equipped.

There are, nonetheless, a few cases which could be rejected if we disregarded local juvenile justice system concerns. These include cases with little available confinement time at the time of commitment, cases committed for misdemeanor offenses only, and cases of minor property offenses by juveniles who have had no prior secure placement. Because of pressures on the juvenile court, this alternative is not presently being implemented.

One major change in the commitment pattern impacting the Department has been the passage of Senate Bill 821 (Chapter 701), amending Section 1731.5(c) of the Welfare and Institutions Code, which provided that persons under the age of 21 sentenced to the Department of Corrections could be housed in the Youth Authority until the age of 25. The purpose of this enactment was to allow these less sophisticated Department of Corrections commitments to participate in the programs available through the Youth Authority. While the

Youth Authority feels that this is a good law and that the persons who have been placed in the Youth Authority under these provisions have been appropriate, nonetheless the number have significantly increased our population.

During the past year, the Department has rejected SB 821 cases who were considered to be dangerous to staff or other wards. These are inmates who have assaulted staff or others while in county jail or juvenile hall. Also, within the last four months, CDC cases who have had a prior Youth Authority commitment have not been accepted. These cases are returned to the court for resentencing to the Department of Corrections.

Another strategy for reducing crowded conditions would be to institute an early release program. Other states, Michigan, for example, have developed such a system. When an institution reaches a designated level of overcrowding, wards or inmates are automatically released a certain number of days early, usually 90.

The Department and the Youthful Offender Parole Board do not favor an early release program which releases cases categorically. A major concern with this type of early release program is that there is no consideration made concerning a ward's adjustment or readiness for release on parole. It does not address the issue of, or concern for, public protection. Any program that does not establish behavioral or performance criteria to determine parole readiness may jeopardize public safety.

In light of these objections, a general early release strategy has not been utilized; however, other programs that address earlier release of wards to parole, based upon those individuals' meeting institutional treatment goals and/or intensified parole supervision and surveillance, are being examined.

Characteristics of Youth Authority Population

A review of cases committed to the Youth Authority reveals that they are the most serious delinquents in California, already having failed to respond to prior efforts of other agencies.

The characteristics of wards first committed in 1985 reveal that 84.5 percent had at least one conviction or sustained petition prior to commitment to the Youth Authority, while 25.5 percent had four or more convictions or sustained petitions prior to commitment. Two out of three wards had at least one previous commitment to a local facility. The Department estimates that about two-thirds of all Youth Authority wards are affiliated with gangs prior to their commitment to the Youth Authority.

A portion of the Youth Authority's population includes emotionally disturbed wards in need of a full range of psychiatric services and/or treatment for serious character and neurotic disorders. Overall, 85 percent of Youth Authority wards have a history of substance abuse, even though they may have been committed for other offenses. They require specialized treatment to address their drug and alcohol abuse problems. In short, most of our population is violent, gang affiliated, disturbed, and/or substance abusing delinquents.

Length of Stay

Obviously, a major factor in the increased population of the Youth Authority is the length of time a ward spends in a Youth Authority facility. Institution length of stay refers to the time period between admission at a reception center and release from an institution to parole. For those committed to the Youth Authority, the length of this period is determined by the Youthful Offender Parole Board which sets parole dates. The average length of

stay has been increasing consistently for more than eight years. From Fiscal Year 1975/76 through Fiscal Year 1985/86, the average length of stay in Youth Authority facilities increased 4.7 months--from 12.7 to 17.4 months. While this number may not seem large, it does result in 1,400 additional wards being housed within our facilities.

Recently the YOPB proposed some major revisions in policies relating to parole consideration dates for certain offenses. Slated for implementation in the near future, these revisions will increase the amount of time certain offenders spend incarcerated prior to being considered for parole. In general, the offenses designated for longer parole consideration dates are homicide, attempted murder, voluntary manslaughter, rape, sodomy, sexual acts against children, and kidnapping for ransom. These YOPB changes will add another 1.7 months to the anticipated average length of stay.

Effects of Crowding

Given the increased number of offenders in the Youth Authority, the Department established a policy to distribute the additional population across all Youth Authority facilities. The Youth Authority currently has a bed capacity of 5,840, and as of October 30, 1986, we were housing a population of 7,966 wards. All institutions are experiencing some degree of crowding, ranging from approximately 115 percent over design capacity at our camps to 167 percent over design capacity at our reception centers.

The Department is making a special effort to study the effects of the substantial ward population increase on institution operations. A February 1986 research study, Trends in Levels of Institutional Violence and Ward Population Increases During 1984-85, analyzed serious incidents involving

violence or the threat of violence. This two-year study chose for analysis only those incidents most likely to be reliably documented, i.e., ward assaults on staff (with or without weapons), ward assaults on wards (with or without weapons) and possession of weapons.

Although there is some variation among institutions, the figures show no evidence of an alarming increase in violent acts during the past two years. The general direction in both the ward population and the number of violent incidents is up. Although this is cause for concern, it is significant that disciplinary actions have not accelerated sharply due to population increases.

An additional study by our Information System Section, comparing 1981 when population was 5,763 and 1985 when it was 6,998, shows that incidents did not increase significantly at all and, as a matter of fact, assaults on staff decreased even though population pressures were escalating.

	<u>December 31, 1981</u>	<u>December 31, 1985</u>
Battery on Staff (Weapons)	20 .3%	22 .2%
Battery on Staff (No Weapons)	73 1.3%	77 .8%
Battery on Wards (Weapons)	61 1.1%	55 .6%
Battery on Wards (No Weapons)	471 8.1%	1,283 13.6%

It is significant that for the ninth straight year, none of our facilities suffered a ward or staff fatality as a result of an incident of battery, fighting, etc. This statistic is especially noteworthy in that 446 wards (7.8 percent of the population) were committed to the Youth Authority for homicide.

While there is a widespread belief that increased population automatically leads to a geometric increase in institutional violence, these fears have not, so far, been realized. Credit for this must be attributed to the professionalism of Youth Authority staff and the Department's increased training in supervision techniques and crisis intervention.

While the Department has had to deal with steadily increasing institution populations, we have not perceived crowding as an obstacle barring the continued delivery of service. Rather, the Department has viewed it as an opportunity to utilize the added resources and staff that have accompanied the additional wards to implement new, and expand, existing programs which fulfill the intent of the Department's mission statement. These programs include:

Victim Restitution - The Department has implemented a comprehensive victim restitution program. Wards are expected to complete public service programs as a part of their institutional treatment. They must face the effects that their commitment offenses have had on their victims. A part of the monies earned while in camp programs, Free Venture Programs, or other paid positions is deducted for room and board and/or for the Victim Restitution Fund.

Employment Preparation - A new and extensive employment preparation program has been implemented that includes expanded vocational testing, employability skills instruction, job training, and placement services. Specifically, job training and placement programs have been developed at each institution. Because they include job descriptions, a competitive interview process, and performance evaluations, work experience jobs in the institutions more closely resemble jobs in the community.

Competency Based Education - The Department has implemented a new curriculum approach to education. Competency based education is designed to ensure that wards leaving the system will have basic competencies necessary to successfully re-enter the community. This process integrates basic skills of reading, writing, speaking, listening, and problem solving along with other curriculum areas, including life management and employability skills. It allows wards to proceed with their educational program based upon their individual competency achievements.

Public Service Projects - Each institution and camp has a program in which youthful offenders carry out projects in the community and, with few exceptions, all wards are expected to work in a conservation camp or public service project prior to being released on parole. Public service projects provide valuable assistance to public agencies while at the same time providing wards with an opportunity to pay back the community for damages caused by their past crimes. They also learn valuable work habits that will be of assistance to them when they return to the community. Incarcerated wards of the Youth Authority spent 562,132 person-hours on public service projects during the first nine months of 1986. In 1985 a total of 733,047 hours were provided by Youth Authority wards.

Day Labor/Ward Labor - A day labor/ward labor program has been instituted. This program has enabled the Department to stretch the limited budget for repairs and modifications by using ward labor in conjunction with trained tradespersons to work on repair projects and new minor construction projects at the various institutions and camps. Construction costs have been reduced and, at the same time, wards have been given valuable construction job training under professional supervision. Projects have

included building additions, remodeling, roof replacements, and gas and steam line replacements. Wards have gained on-the-job experience in roofing, carpentry, concrete, sheet metal, welding, plumbing, electrical, masonry, and tile setting. This experience opens new avenues of employment for wards in the community.

Emergency Preparedness - The Department has implemented a comprehensive emergency preparedness plan designed to meet and control ward disturbances or natural disasters. Each institution and camp has an extensive emergency plan. The plan includes the training of staff in emergency procedures, an emergency operations center, and mutual aid agreements with local law enforcement, fire departments, hospitals, and other local resources.

Gang Information Network - Gangs are heavily involved in criminal activity. Since 1977, the Department has had a Gang Information Network which gathers and shares gang-related information. This Network has been reorganized and formed into the Gang Information Services Unit which works closely with law enforcement to gain and share information about gang activity.

The Gang Violence Reduction Program in Los Angeles seeks to intervene and resolve disputes between feuding gangs and to redirect gang members toward peaceful and productive activities. A program is being implemented in institutions which will work with incarcerated gang members in an effort to break the cycle of gang involvement. Lastly, specialized gang case-loads have been developed in parole that will intensify surveillance and the monitoring of gang involvement after wards are released on parole.

Substance Abuse Programs - The Department is establishing formal Substance Abuse Programs at each institution and camp. The number of cases placed in the Department as the result of a substance abuse offense has increased from 2.6 percent in 1982 to 7 percent in 1985. This represents only the tip of the iceberg, since 85 percent of Youth Authority wards have a history of substance abuse even though they may have been committed for another offense. To meet this ever increasing need to deal with substance abuse problems, programs have been implemented at each institution and camp. Prior to 1985, the Youth Authority had only 100 beds available for specialized drug programs. This number has been increased to 955 during the current budget year. In addition, emphasis has been placed on close follow-up on substance abuse cases once they are released on parole. This includes referral to community-based substance abuse counseling programs, closer surveillance, and drug testing.

Sex Offenders - Public concern about sex offenders and the presence of a substantial number of sex offenders in Youth Authority institutions prompted the development of a Sex Offender Task Force to gather information and make recommendations for more effective programs for these offenders. As a result, the Department opened a 60-bed specialized counseling program for sex offenders at the Fred C. Nelles School in July 1986. Presently, the Department is exploring the possibility of opening two additional sex offender programs so that additional wards can confront their specific sexual problems and their treatment needs can be met. The Parole Services Branch has developed sex offender caseloads. Parole staff assigned to these caseloads have received specialized training in working with these offenders. The new program also calls for increased control and surveillance of sex offenders.

New Partnerships with Counties - The Department has entered into new partnerships with county probation departments. Presently, the Department has leasing arrangements with three counties in Northern California for the use of 25 beds at three juvenile halls. Less sophisticated juvenile court cases are carefully screened and are then placed in these county programs on a contract basis. The basic program is provided by the staff at the juvenile hall; however, cases remain under the jurisdiction of the Youth Authority and their progress is closely monitored and coordinated by Youth Authority staff and the Youthful Offender Parole Board.

Within the last year, the Department formed a new partnership with Imperial County. A vacant 50-bed residential facility in El Centro has been leased from the County. Custody, administrative, and treatment staff are Youth Authority employees; Imperial County provides teachers, culinary, and maintenance staff. This arrangement has made effective use of a vacant facility, provided 50 needed beds for the Youth Authority, and utilized existing staff and resources in Imperial County.

New Partnerships with Private Industry - New partnerships have been established with private industry to provide jobs for youthful offenders while incarcerated and, afterward, on parole. Several firms have established Free Venture/Private Industry partnerships within Youth Authority institutions. This is a cooperative venture to produce goods or services. Under this concept, jobs are created for Youth Authority wards who are the primary work force. This program establishes a real world job situation in which wards are taught job survival skills, receive work experience, and are paid a prevailing wage. A portion of each ward's pay is deducted for victim restitution and for housing and food costs. Presently, five

programs are in operation, including: a reservation annex operated by Trans World Airlines at the Ventura School; a power sewing program operated by Olga Corporation at the Ventura School; and a microfilm processing business operated by Public Private Partnership, Inc. at the Youth Training School.

Expanded Use of Group Homes - In order to enhance public protection, the Youth Authority Parole Services Branch has expanded its use of group homes. These group homes have been used as pre-release programs or in lieu of parole revocation. In Fiscal Year 1986-87, the budget for these homes was increased \$500,000, allowing for approximately 25 percent increase in available bed capacity.

Increased Educational and Vocational Staff and Resources - During the last five years, the number of credentialed, full-time teachers increased by nearly 100 positions, from 292 in 1982 to 390 in 1986. This was one of several joint efforts by the Administration and the Legislature to improve the educational program capacities of the Youth Authority. Others include:

1. AB 1956 (N. Waters) Stats. 1985, Chapter 605. Augmented the 1984 Budget Act by \$300,000, making a total allocation of \$1,846,000 to the Department to design and construct a vocational education center at the Preston School.
2. AB 3139 (Costa) Stats. 1986, Chapter 1383. Allocated \$500,000 for expanded vocational/education space at unspecified Youth Authority facilities.
3. AB 3145 (Vasconcellos) Stats. 1986, Chapter 1362. Authorized Youth Authority education programs to receive lottery funds.

Double Celling/Bunking and Expanded Programs - One of the strategies we have employed to address crowding has been to double cell and/or double bunk housing areas. While this has increased our need for staff and other resources, it has also forced the Department to seek innovative ways to relieve crowding in common areas like day rooms and dining halls. Some institutions have undertaken modular programming, which uses three-hour blocks of programming spread over all the available time during which wards are awake, i.e., almost 18 hours a day. This enables the full and efficient use of staff, facilities, and other resources and means that wards are not deprived of needed program activities even though we are overpopulated. Another effort along these lines has been to inaugurate night programming, for which we have extended our partnership with communities and volunteers. Volunteers who may be unavailable during regular working hours are able to come into the institutions at night to assist with such efforts as substance abuse and parenting education, literacy programs, and arts and crafts activities. Legislative response to our requests for funding of additional security lighting and other security devices has been a major factor in the Youth Authority's ability to provide programs at night and thereby make full use of staff and facility resources. During the past few years, the Department has made a conscientious effort to redirect low priority program staff and resources to increase services in more critical program areas.

Master Plan

In 1986, the Legislature required the Youth Authority to produce a master plan relating to population management and facility development from 1986 through 1991. This has required the Youth Authority to succinctly state the

problems facing the Department and to outline comprehensive strategies for addressing them.

This five-year plan addresses institutional bedspace needs through 1990-91. Population projections indicate a need for 9,015 institutional beds by that year. The present institutional design capacity is 5,840. This means that additional bedspace or alternatives must be developed to provide 3,275 beds. In developing the five-year plan, a number of major strategies were considered:

1. Distribution of State and local offender population
2. Delinquency prevention programs
3. Crowding institutions
4. Early release programs
5. Intensive parole re-entry/readiness furloughs
6. Employment specialists/job developers
7. Community-based detention/temporary detention
8. Institutional parole violator programs
9. Institutional disciplinary work crews
10. Substance-abuse programs
11. Rejecting commitments
12. Alternative facilities
13. New facilities

The report analyzes and evaluates each of these alternatives. Earlier in my testimony, I discussed such strategies as rejecting commitments, substance abuse programs and early release. Because the Legislature has expressed a special interest in community-based detention and the construction of new facilities, I will elaborate on these two alternatives.

In addition to the expansion of our pre-release center providing additional custody and supervision for temporary detention (parole violator) cases, the Department is studying options which include house arrest. House arrest involves the use of electronic surveillance devices to monitor and control the activities of parolees who would otherwise be returned to an institution. The parolee can maintain a job, attend school or training in the community and be restricted to his home at other times.

Presently, 20 electronic surveillance devices have been purchased for the Parole Branch to use for a pilot project in the Los Angeles area. This project will be closely monitored to see if it should be expanded on a statewide basis.

As a policy, parole staff, with concurrence from the YOPB, will be encouraged to use temporary detention or other innovative alternatives instead of parole revocation for minor parole violations.

The Master Plan discusses the need for the construction of new 600-bed institutions. These institutions will be comprised of six 100-bed living units with individual wet rooms and will include an administration building, operations building, educational complex, gymnasium, and chapels.

Locations are being considered in Southern California; however, for cost effectiveness and to expedite bringing the first institution on line as soon as possible, an addition at the Northern California Youth Center in Stockton is also a prime consideration.

During the time that alternatives are being implemented and new facilities are being built, institutions will continue to function on a crowded basis. As new facilities come on line, crowding on open dormitory living units will be reduced as a first priority.

The Department will update the Master Plan each year by reviewing and, when necessary, adjusting population projections based on new data. The Department, as a part of this annual review, will continue to consider other alternatives to reduce the need for bed space as well as other facilities that might be used by the Youth Authority.

Copies of the Youth Authority's Master Plan will be provided to each member of this committee. If, after reviewing the plan, you have any questions or wish additional information on any of the proposed alternatives, I will be happy to accommodate you.

Camps and Ranches Study

Mr. Chairman, you requested information on research relating to county camps. A study was commissioned by the Chief Probation Officers of California, and they will address the finding in their remarks later in this hearing.

Conclusion

The California Youth Authority is coping with crowding, which is a result of a statewide and nationwide trend to incarcerate more offenders, because we have a very competent and professional staff, and because we have had the support of the Legislature and the Administration in addressing problems before they become crises. This hearing has been an opportunity to once again emphasize the scope of the problem and the range of solutions being implemented and examined. It is important that we continue to review progress and to plan systemwide responses to this critical problem. We appreciate the interest and involvement of this Committee in our ongoing efforts.



NATIONAL COUNCIL ON CRIME AND DELINQUENCY
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**TESTIMONY BEFORE THE CALIFORNIA SENATE
SELECT COMMITTEE ON CHILDREN AND YOUTH**

**Barry Krisberg Ph.D.
President
National Council on Crime and Delinquency**

Dec. 3, 1986

CALIFORNIA'S TROUBLED JUVENILE JUSTICE SYSTEM

Background

While the primary focus of this hearing is the problem of overcrowding in Youth Authority facilities, this is but a symptom of a larger challenge facing California's entire juvenile justice system. It is also the case that some of the problems of the Youth Authority result from its statutory responsibility to handle criminal court commitments and transfers from the Department of Corrections. The two components of the Youth Authority population need to be separately analyzed and will require very different legislative action. Today I wish to restrict my remarks to juvenile court commitments to the Youth Authority.

The purpose of my presentation is to briefly share some facts about where California's juvenile justice system is going, how we compare with other states and what actions the legislature might consider to bolster our beleaguered system of controlling delinquent youth. I will touch on some of the forces creating great pressures on the juvenile justice system. My hope is that the legislature adopt a "systems" approach to the problem that explicitly recognizes the critical interdependency of the local and state corrections systems. It is equally important that California adopt a cosmopolitan approach that seeks out the best in reform efforts of other states and evaluates how these

developments might help us. The legislative imperative is to begin developing policies and programs that will help us avert in the juvenile justice field the severe crises plaguing adult corrections.

Review of Data

According to the U.S. Department of Justice, California locks up more juveniles per capita than any other state. In 1985 a one day census found that there were 12,524 youngsters in California state and local facilities -- a rate of 430 incarcerated per 100,000 youth aged 10 -17 years. California's juvenile incarceration rate is over twice the national average.

It is quite true that California suffers from a high rate of serious and violent youth crime, however states with comparable crime problems seem to rely less on incarceration to control youth crime. For example Texas' youth incarceration rate is 125 per 100,000, Ohio's rate is 230 per 100,000, Michigan's rate is 170 per 100,000 and Illinois confines youth at the rate 126 per 100,000.

There are several states such as Utah, Massachusetts, Pennsylvania, Oklahoma, New Jersey and West Virginia that possess juvenile confinement rates that are less than one-quarter that of California. This is not a new development. California's dubious "leadership" in rates of juvenile confinement has been consistent for at least the last 15 years.

Table 1 summarizes California juvenile justice data for the last five years. The key findings are that:

1- rates of serious and violent youth crime are declining

- 2- the rate of juvenile court petitions filed has also dropped, albeit not as much as arrests
- 3- despite these downward trends, juvenile probation and correctional caseloads are at their highest levels
- 4- Over 3% of the California youth population is under correctional supervision each day.

These data point to a juvenile justice system that is becoming more formal, more restrictive and more punitive. Also, public expenditures for probation and the Youth Authority have barely kept pace with inflation and have not grown in proportion to the increased number of offenders. Consequently probation caseloads have crept upward to unacceptable levels and many counties face severe crowding in their juvenile halls and county ranches. For instance, in the last reporting period, the Youth Authority found chronic crowding in local facilities in 11 counties that serve the most heavily populated regions of the state. In Los Angeles juvenile halls there are often hundreds of children sleeping on floor mats for lack of bedspace. Recently there have been tragic suicides in juvenile halls in San Francisco, Santa Clara, Merced, Los Angeles and Ventura counties. Three other youngsters committed suicide in jails in Glenn, Trinity and Orange counties. There also have been investigations by the U.S. Department of Justice of juvenile halls in Los Angeles and San Francisco. In other locales grand juries have decried the poor conditions of county juvenile facilities. Most important, the available data suggest that large proportions of the youth passing through the juvenile

correctional system are re-offending and graduating to the adult criminal justice system

Why is our Juvenile Justice System in Such Turmoil?

A number of forces are battering the juvenile justice system. Elected officials are expressing their perception that the public wants to get tough with young criminals. The actual public opinion polls on this issue portray a public that is conflicted in its views. People want the court to be less lenient with violent offenders but they cling to the belief that the primary purpose of juvenile justice is treatment and rehabilitation. Our citizens express doubts that just locking up more youth will make them safer. Interestingly, these polls indicate strong public support for youth employment programs as a means of reducing youth crime.

There has been a decline in funds available for diversion and prevention efforts. At one time California was receiving large amounts of federal dollars to support these programs. The fiscal impact of Proposition 13 on local corrections is well known. Probation agencies have been forced to retrench in their services and have only rarely been able to find the funds for innovative and experimental efforts. Given the necessary tools and resources many of California's probation leaders believe they provide improved programs for youthful offenders. The fiscal crunch has led some counties to divest their county ranches or transfer these to private agencies. Probation agencies are increasingly relying on AFDC funding to provide placements for youth who do not require the security of Youth Authority

institutions.

Another important problem has been the failure of state leaders to forge a political consensus to recodify California antiquated juvenile code. It is imperative that an impartial group take a comprehensive look at juvenile court sentencing practices and especially the problem of rapidly escalating lengths of correctional confinement. A recent Juvenile Code Revision Commission was mired in partisan bickering, lacked adequate staff resources and failed to receive appropriate attention from the executive and legislative branches of government. If juvenile justice has become so politicized, how can we hope for new ideas that better protect the public and offer help to our most troubled youth?

Finally, many juvenile justice officials are clamoring for more information on developments in other states. Many claim they even lack factual data on successful programs in other California counties. While the Youth Authority's Transfer of Knowledge workshops are outstanding, more needs to be done to provide local juvenile court officials with policy and program resources that they can use to improve their local efforts. The state needs to find new methods to collect and disseminate the latest and most accurate data on promising juvenile justice programs.

What's Happening Elsewhere?

There are many states that are demonstrating that innovation and creativity are still the hallmark of the juvenile justice field. States as diverse as Massachusetts and Utah have closed

down most of their large scale congregate training schools in favor of small secure programs for the dangerous few and well-structured community-based placements for other adjudicated delinquents. The research literature has consistently supported the value of this approach in reducing recidivism. In Massachusetts less than 20% of their state commitments end up in a secure bed; in Utah the proportion of youth sent to the state corrections agency who end up in secure beds is less than 25%. Colorado and Oregon have decided to follow this same policy course. Colorado plans to reduce their training school population by half; Oregon expects to reduce the number of youth in secure state facilities by 75%. Other jurisdictions including Texas, Louisiana, Georgia, Ohio, Nevada, South Carolina, Tennessee and Delaware are all extremely interested in closing down the large scale reform schools and moving towards smaller scale facilities. Former Governor Scott Matheson, who spearheaded the Utah reforms, described the new policy thrust as "A Quiet Revolution in Juvenile Justice".

A growing number of professionals and elected officials are supporting more individualized services and the necessary budgetary flexibility to purchase these services. Where this approach has been implemented the results have been very encouraging.

A related development is the renewed interest in private programs such as the Associated Marine Institutes, Outward Bound and the Northeastern Family Institute, Inc. that have initiated very innovative programs for serious juvenile offenders. I am sure you will hear much more about these programs in the testimony

of Peter Greenwood of the Rand Corporation.

We will also soon hear the research results on a federally-funded national program for Violent Juvenile Offenders (VJO). This NCCD designed effort tested the efficacy of three programs in Boston MA, Memphis, TN and Newark, NJ that combined short periods of confinement in small, staff intensive facilities with full scale reentry services. The early outcome results suggested that violent offenders in these programs performed better upon release than those who went to traditional programs in those same jurisdictions.

There are exciting developments coming from a number of states which are applying more objective classification methods to determine security needs of adjudicated delinquents. NCCD is now collaborating with the Youth Authority in exploring the utility of these approaches in California. These new classification approaches can assist both state and local agencies to protect public safety and better allocate scarce correctional dollars.

Suggested Steps for Legislative Consideration

My recommendations are based upon two premises: (1) California's tradition of strong local self-government is important to preserve in the juvenile justice area and (2) that delinquency control efforts must leverage community-based services and community support for troubled youth. This last goal is very difficult to obtain. Communities like parents sometimes want to throwaway their wayward youth. Sometimes there is no option except for the state to take over. But, as with family preservation the state

must explore all options before it assumes the responsibility of communities for the care and protection of even their most difficult youth.

1- The legislature should study the current system of financing juvenile court placements to ensure that juvenile court dispositions are not being driven by narrow fiscal pressures. Some reassessment of state and local roles in financing juvenile programs may be required.

2- The legislature should ask the Youth Authority to conduct a classification study using its own version of an objective risk assessment instrument. This study would tell us how many secure beds are needed and how many youth would be benefited from some other placement. It is strongly advised that juvenile correctional officials from states using these new instruments be invited to provide California with technical assistance.

3- The legislature should launch a research and demonstration effort to determine if enriched resources provided to one or two county probation departments would permit youth now sent to the state to be handled in local programs.

4- The legislature should encourage the replication of the Violent Juvenile Offender program in the Youth Authority and the Los Angeles Probation Department

5- The legislature should work with the Governor and the Attorney General to initiate a bipartisan and independent inquiry into California's juvenile court sentencing practices. Special attention must be given to current and alternative methods of determining appropriate sentence lengths.

Table 1

CALIFORNIA JUVENILE JUSTICE OVERVIEW

	<u>1985</u>	<u>%Change 1980-85</u>
<u>Juvenile Population (10-17 years)</u>	2,853,241	-6%
<u>Juvenile Arrests</u>	230,961	-18%
felonies	73,521	-25%
violent offenses	12,421	-28%
drug law violations	8,977	+21%
<u>Juvenile Court New Petitions Filed</u>	41,792	-11%
<u>Juveniles on Probation</u>	69,027	+47%
<u>Juveniles in County Facilities</u>	8,474	+24%
<u>Juveniles in Youth Authority</u>	4,718	+66%
<u>Juveniles on Youth Authority Parole</u>	3,607	-4%
<u>Juveniles in Jails</u>	86	-54%
<u>Juveniles in CDC</u>	29	0%
<u>Juveniles Under Correctional Supervision</u>	85,941	+42%
<u>Percentage of California Youth Under Correctional Supervision</u>	3%	+50%

Sources: California Dept. of Justice
California Dept. of Corrections
California Youth Authority

**CALIFORNIA
JUVENILE PROBATION CAMPS
STUDY**

**Report to
Chief Probation Officers
of California**

**Eureka, California
September 17, 1985**

**Prepared by
State of California
Department of the Youth
Authority
Program Research and Review
Division**

CALIFORNIA JUVENILE PROBATION CAMPS STUDY

The Study

- o Conducted at the request of Chief Probation Officers of California. Cooperative effort between California Department of the Youth Authority and CPOC.
- o Census of 3,774 wards in all 53 juvenile probation camps on July 20, 1984. Survey of camp program descriptions. Sample of wards on field probation, in private placements, in juvenile hall on a commitment, and in Youth Authority institutions on the same day.
- o Two-year follow-up study in progress on the subsequent offenses of a sample of wards released from probation camps in 1982.

Camp Population

- o Average age at camp admission is 15.7 years. Most of the camp population is male (93%). About a third are white; a third, black; and a third, Hispanic.
- o Half (52%) were committed to camp for a property offense. One in four was committed for a person offense.
- o One-third (35%) have a current or prior sustained petition for a violent offense.
- o The majority have been under probation department jurisdiction before. Seventy-one per cent have a prior sustained petition, with four out of ten having two or more prior sustained petitions. More than one-third have a prior out-of-home or institutional placement for a criminal offense.
- o The typical camp ward progressed from his first referral to probation to his current camp status in less than two years.
- o Problems with education and substance abuse are common. Seventy percent are academically below grade level. Forty-six per cent have a history of drug problems. A third have a history of gang involvement. About one in eight have a history of psychological problems; about one in seven, a prior dependency contact.

The Camps: Program and Staffing

- o The 53 juvenile probation camps in California are located in 23 counties, with 17 of the camps in Los Angeles County. Six per cent of the camp population is contract cases from other counties.
- o Most camps are open, without locked perimeters, and have dormitory facilities. The typical camp has a rated capacity of 74 youth, with an average daily population of 64.
- o Three-fourths of the camps are for males only. About one-fourth are coed. Very few are all female camps.
- o The average length of stay is 5.5 months.
- o Eight out of ten of the estimated 2300 employees working in camps are funded from probation department budgets. Of those funded from other sources, teachers are most prevalent.
- o Nearly all camps use volunteers, contributing almost 12,000 hours per month for all camps combined.
- o Virtually all of the youth in camps participate in school programs, counseling or casework, recreation, and work detail. A majority participate in off-grounds and religious activities. More than four out of ten receive some vocational training.
- o Among the requirements for release, three out of four camps mentioned that a minimum length of stay is required. In all camps release depends on performance in school, at work, and on the living unit. Almost all camps reported that youth could earn early release, receiving time cuts for good performance.

Comparison with Other Juvenile Justice System Populations

- o Commitment offenses for probation camp youth are less serious than those of Youth Authority first commitments. But their offenses are more serious than those of wards on field supervision, in private placements, or in juvenile hall on a commitment.

More specifically, youth in the camp population are less than half as likely as Youth Authority first commitments to have been committed for a person offense (26% compared with 59%).

However, the current offense is more frequently a person offense for camp wards than for the other probation samples. For field probation, 18% have a person offense as their current offense; for private placements, 21%; and for juvenile hall commitments, 15%.

- o Camps wards (15.7 years) are younger than Youth Authority first commitments (16.2 years) and juvenile hall commitments (16.1 years). But they are older than field probationers (15.4 years) and private placements (14.9 years).
- o The camp population includes a greater proportion of ethnic minorities (66%) than the other probation samples but a smaller proportion than the Youth Authority first commitment sample (76%).
- o The criminal offense records of camp wards are considerably more frequent and severe than the records of other probation populations, with the exception of juvenile hall commitments. Youth Authority first commitments, however, have a much greater frequency and severity in their offense histories than either camp wards or juvenile hall commitments.

Thirty-five per cent of the camp wards and 32% of the juvenile hall commitments have a sustained petition in their records for a violent offense. In comparison, 20% of field probationers and 24% of the youth in private placements have a violent offense in their history. Among the Youth Authority first commitments, 69% have a violent offense history--twice the proportion in the camp population.

While 71% of the camp wards and 77% of the juvenile hall commitments have a prior sustained petition, 47% of the private placements and 33% of the field probation wards have a prior sustained petition. Eighty-two per cent of the Youth Authority group have a prior sustained petition.

Among the Youth Authority wards, 30% have four or more prior sustained petitions. This is nearly four times the proportion of camp wards (8%) with four or more priors and more than the 18% of juvenile hall commitments who have four or more priors.

CALIFORNIA JUVENILE PROBATION CAMPS STUDY

**Report to
Chief Probation Officers of California
Santa Rosa, California
September 16, 1986**

**Prepared by
State of California
Department of the Youth Authority
Program Research and Review Division**

CALIFORNIA JUVENILE PROBATION CAMPS STUDY

The Study

- o Conducted by the Youth Authority at the request of the Chief Probation Officers of California.
- o Study has resulted in four reports. Goal of the present, fourth report was to examine the effectiveness of the camp system.
- o Results in Report No. 4 were based on outcomes over a two-year follow-up period for a sample of 2,835 wards released from camps in 1982.

Results of the Study

- o Escapes. (Defined as escapees not returned to camp). The rate of escape was about 1 for every 13 wards in the sample.
- o Rate of escape was higher for:
 - (1) wards with prior escapes;
 - (2) females; and
 - (3) not surprisingly, wards in open camps.
- o Program Completions. Overall, 82% of the wards satisfactorily completed their camp programs. As a result of an escape, 7.8% were removed; 10% were removed as disciplinary transfers.
- o Rate of satisfactory completion varied by type of camp and type of ward; for example:
 - (1) LA camp wards - 91.9%;
 - (2) non-LA camp wards - 75.9%;
 - (3) wards with 1 or more prior commitments - 73.1%;
 - (4) wards with no prior commitments - 89.6%
- o Average length of stay for wards completing the program was 5.9 months.
- o Recidivism. Recidivism was defined as 1 or more sustained petitions during the follow-up period.
- o The recidivism rate for all male wards in the sample was 67.0% after 24-month follow-up.
- o The rate for those males who satisfactorily completed their camp program was 62.3%.
- o Over half the recidivism occurred in the first six months after release: 6 mos. - 32.7%, 12 mos. - 49.3%, 18 mos. - 57.8%, and 24 mos. - 62.3%.
- o State Commitments. By the end of 24-month follow-up, 28.4% of the total sample had been committed to a state institution.

Comparison of Outcomes: Camp Wards vs. YA Wards

- o For purposes of comparison, a sample was selected of 690 male YA wards who were first admissions from juvenile court under 18 years of age. Outcomes for these YA wards were compared with those for 2,115 male camp wards who completed their program.
- o YA and camp wards differed on several characteristics. YA wards:
 - (1) were older at admission - 16.1 vs. 15.7 years;
 - (2) were more often committed for person crimes - 42.8% vs. 22.6%;
 - (3) more often had prior commitments - 38.3% vs. 26.6%;
 - (4) had a higher average number of prior petitions - 3.2 vs. 1.7.
- o Length of Stay. YA wards remained in the institution 14.5 months; LOS for camp wards was 5.9 months. Of the YA wards, 54.1% were in the program over a year, compared to 5.3% of the camp wards.
- o Recidivism.

	<u>6 mos.</u>	<u>12 mos.</u>	<u>18 mos.</u>	<u>24 mos.</u>
YA	28.1	50.4	62.6	69.4
Camps	32.6	49.2	57.7	62.2
- o YA wards had slightly lower recidivism rates at 6-month follow-up.
- o Because of their more serious delinquency records, YA wards were considered as worse risks of recidivism. After statistically adjusting for this difference in risk, YA and camp recidivism rates were not significantly different at 12, 18, or 24 months. The difference at 6 months remained significantly different after adjustment.
- o Camp wards had a higher average number of sustained petitions during follow-up: 1.76 vs. 1.44 per recidivist.
- o However, YA wards tended to commit more serious offenses. Twenty-three percent of the recidivism offenses of YA wards were rated in a high seriousness category, compared to 19.8% for camp wards.
- o Type of Removal. At the end of 24-month follow-up, 67.9% of the YA wards were still on active parole; 22.4% of the camp wards were on active probation.
- o Among those wards removed from parole or probation, 57.8% of the YA removals were for negative reasons (recommitment to YA or Commitment to CDC); 27.0% of the camp removals were negative (state commitment).

COMPARISON OF OUTCOMES: OPEN VS. CLOSED CAMPS

- o There were 37 open camps in 20 counties and 9 closed camps in 5 counties included in the study of outcomes.
- o Closed camps, compared to open camps, contained more wards who:
 - (1) were older at admission - 15.8 vs. 15.5 years;
 - (2) were committed for person crimes - 27.8% vs. 21.0%;
 - (3) had prior commitments - 33.2% vs. 26.0%.
- o Length of stay was 7.9 months in closed camps; 5.0 months in open camps.
- o Wards from closed camps had slightly lower recidivism rates at all follow-up periods. For instance, at 12 months the rates were: closed - 45.4%, open - 50.2%.
- o At the end of 24-month follow-up, 32.2% of the closed camp wards had been committed to the state, compared to 24.2% of the open camp wards.

COMPARISON OF OUTCOMES: LA CAMPS VS. NON LA-CAMPS

- o Outcomes were compared for wards released from 14 LA County camps and 32 camps in the remainder of the state.
- o Wards in LA and non-LA camps differed on some characteristics:
 - (1) LA camps contained more minorities - 77.9% vs. 51.3%;
 - (2) fewer LA wards had prior commitments - 20.4% vs. 31.8%;
 - (3) LA wards had fewer prior petitions - 1.3 vs. 2.1;
 - (4) LA wards had lower risk of recidivism - 3.8 vs. 4.6 (on an 8-point scale, with 8 being the highest risk).
- o Length of stay was 7.1 months in LA camps; 4.6 months in non-LA camps.
- o Recidivism rates were lower for LA camps. For instance, at 12-month follow-up, the rates were: 45.4% for LA camps; 52.0% for non-LA camps.
- o At the end of 24-month follow-up, 33.7% of the LA wards had been committed to the state, compared to 20.0 of the non-LA wards.

COMPARISON OF OUTCOMES: WARDS GROUPED BY SPECIFIED
CHARACTERISTICS

- o Outcomes were examined for wards grouped by characteristics. Listed below, from highest to lowest, are the 24-month recidivism rates for the different characteristics groups:

75.7	- higher recidivism risk
72.8	- ages 14 or younger
70.3	- 3 or more prior petitions
69.9	- 1 or more prior commitments
67.4	- Blacks
67.0	- 2 prior petitions
66.0	- property/drug offenders
66.0	- Hispanics
65.4	- ages 15 and 16
63.6	- medium recidivism risk
63.5	- no history of violence
63.4	- property offenders
62.2	- "other" ethnicity
61.8	- "other" offender type
60.8	- 1 prior petition
59.9	- history of violence
59.8	- person offenders
59.8	- no prior commitments
55.1	- Whites
51.8	- no prior petitions
51.4	- lower recidivism risk
51.4	- ages 17 and older

SENATE SELECT COMMITTEE ON
CHILDREN AND YOUTH

Hearing 12/3/86 9:00 a.m. Room 4203

"Overcrowding at CYA Facilities"

Testimony of Gerald S. Buck
Chief Probation Officer, Contra Costa County
Chairman, CPOC Research Committee

I. INTRODUCTION: Senator Presley, members.

- A. In examining the status of the CYA, it is important that you be aware of other systems in Juvenile Justice and especially those which have a direct bearing on the juvenile population committed to CYA.
- B. My remarks today will address the 53 juvenile probation camps, ranches and schools operated at the local county level.
 - 1. These 53 facilities are the responsibility of 23 County Probation Departments.
 - a. 17 facilities are in Los Angeles County.
 - b. These facilities provide 3,800+ beds and receive 6,600 delinquents a year committed by the Juvenile Courts.
 - (1) 6% of these delinquents are inter-county commitments.
 - c. Since 1979 the camp population rose from 2,800 (+36%)
 - 2. These facilities are county run, county funded and operate at the discretion of County Boards of Supervisors at an annual cost of \$66 million - average/month \$1,700.
 - 3. Facilities are mostly non-secure (39 non-secure; 14 secure [locked]). Three-fourths are male only; one-fourth coed. Typical population is 64 per facility - range 18 to 200.
 - 4. County facilities are typically filled to 90% of budgeted capacity.
 - a. Some counties have waiting lists with youth housed in local juvenile halls.

C. The Camp Population.

1. Average age at admission is 15.7 years.
2. 93% are male.
3. Half have committed a property offense; 25% a crime against persons.
4. One-third have a prior violent offense.
5. The majority have been tested on probation or have had a prior out-of-home placement.
6. The majority have school and substance abuse problems.
 - a. 76% are below grade level.
 - b. 46% have a history of drug problems.
 - c. 33% have a gang history.

D. Comparison with CYA Population.

1. A year younger on average.
2. Low ratio of crimes against persons.
3. Less severe prior records.

II. THE CAMPS, RANCHES AND HOMES STUDY

- A. The last research done on camp effectiveness was in 1978. It found that 18 months following release, 62% were not reincarcerated (68% excluding L.A.).
- B. In 1983 the Chief Probation Officers requested CYA to conduct a major comprehensive study of probation operated youth facilities. The goals of this study were:
 1. To describe the characteristics of wards in probation camps.
 2. To catalog and describe the programs available.
 3. To establish a uniform method of measuring per capita costs.
 4. To determine the recidivism rate among a sample of camp graduates.

This study will be completed next year and should further enlighten us regarding probation facilities.

III. CAMP STUDY FINDINGS

- A. Some of the descriptive data previously cited has been generated by this study.
- B. A Cost Analysis Study was separately commissioned by the CPOC and carried out by our Business Managers with the assistance of CYA. Findings:

1. There is much diversity in accounting practices and prior cost/youth data have been misleading in some instances.
2. 1982/83 cost averages:

	<u>Day</u>	<u>Month</u>	<u>Year</u>
Camps	\$55.12	\$1,672	\$20,067
CYA	54.84	1,668	20,016
Juvenile Halls	67.57	2,079	24,945

3. Broad range in costs between different facilities:

	<u>High</u>	<u>Low</u>	
Camps	\$88	\$37	per day
CYA	68	36	

- C. Camp Cases - Satisfactory Completion of Program.

1. Overall - 82%.
2. Average length of stay - 5.9 months.

- D. Probation Camps, Ranches and Schools Effectiveness.

1. Males who were tracked 24 months following release.
 - a. Not subsequently committed to state facilities = 72% (80% non L.A.).
 - b. Committed to CYA or CDC two years after release = 28% (20% non L.A.).
2. Sustained subsequent delinquency or criminal charges (male):

6 months	40%	
12 months	55%	
18 months	63%	
24 months	67%	(62% of those who successfully finished camp)

- a. Over half of recidivism occurs in the first six months following release.

E. Camp Effectiveness Compared to CYA.

1. CYA wards older and more serious offenders.
2. Average length of stay: Camp = 5.9 months; CYA = 14.5 months.
3. Two year follow-up:

- a. CYA Recidivism 69.4%
- b. Camp Recidivism 62.2%

When adjusting for differing risk levels there is no statistical difference in effectiveness.

4. CYA repeat offenders committed more serious offenses.
5. Follow-up supervision of CYA wards is much longer - after two years:

68% of CYA wards were on parole.
22% of camp wards were on probation.

IV. CONCLUSIONS THAT MIGHT BE DRAWN FROM THESE DATA

A. Seriousness and Age of Youth Committed.

1. CYA - oldest and most serious.
2. Closed Camps - older and more serious.
3. Open Camps - younger and less serious, but include:
 - 1/3 with violent histories.
 - 3/4 with serious education deficiencies.
 - Nearly half involved with drugs.
 - 1/3 with gang involvement history.

B. Cost.

1. CYA and camp costs are comparable.

C. Effectiveness.

1. No significant difference when adjusted for seriousness and risk.

D. Overall Outcomes.

1. 72 to 80% of camp graduates do not go on to State commitments.

2. 60 to 70% of both camp and CYA graduates are arrested and convicted two years after release.

V. THE FUTURE OF PROBATION OPERATED FACILITIES

- A. As fiscal constraints come to bear, it is difficult to justify high cost of operating local facilities.
 1. Some have been closed.
 2. Others are in jeopardy each year.
 3. The temptation to close facilities and lease to private operators is strong in light of AFDC Board and Care opportunity.
- B. There remains strong commitment by Probation Officers and their Boards of Supervisors to retain local facilities which are seen as providing an effective means of keeping CYA commitments to a minimum.
 1. Counties not having facilities or the ability to contract for placements tend to use CYA to a greater degree.

IV. NEEDS TO IMPROVE EFFECTIVENESS OF PROBATION CAMPS

- A. State Subsidization of Costs to Provide Incentive to Retain and Expand Programs.
- B. Program Enrichments.
 1. Education, drug treatment, vocational preparation and Mental Health services.
- C. Intensive Aftercare Follow-up.
 1. Release from camp often means being placed in probation caseloads which are excessive and appropriate service and supervision is not being given; i.e., most failures occur in the first six months following release.

VII. THE AFDC CONNECTION

- A. Approximately 4,000 delinquent wards are placed in privately run community care facilities where AFDC from state and federal jurisdictions pays 95% of cost.
- B. If AFDC eligibility should be lost or reduced, many of these delinquents will be committed to our camps.
- C. This will force more hardened and serious offenders into CYA, thereby causing greater overcrowding at the state level.

VIII. CONCLUSION

- A. The provision of correctional services by CYA is critical to the Juvenile Justice System. It should be used only for those who cannot be handled locally.
- B. The Probation Camp System works well for most of the 6,600 youth it services, but it needs enrichment and incentives to stay well and improve.
- C. The Camp System is keeping CYA population in check, but it is a fragile existence and in need of help from both the counties and the state.

GSB:ds

Table 1

Legislative Analyst
December 2, 19861986-87 STATE AND FEDERAL EXPENDITURES FOR LOCAL
JUVENILE JUSTICE ACTIVITIES
(dollars in thousands)

TOTAL 1986-87 STATE AND FEDERAL FUNDING FOR LOCAL JUVENILE JUSTICE ACTIVITIES = \$318.1 million

Primary Local Recipient or Beneficiary	Responsible State Department	Activity	Description	Estimated 1986-87 Expenditures	Fund
County probation departments, others	Youth Authority	County Justice System Subvention Program	Block grants to maintain and improve local correctional systems.	\$67,298	General
Various public and private agencies	Youth Authority	Delinquency Prevention	Funding for youth service bureaus and various local delinquency prevention projects.	2,307	General
County probation departments, others	Youth Authority	Assistance for Detention of CYA Parolees	Reimbursements for the costs of detaining CYA parolees.	3,211	General
County probation departments, others	Youth Authority	Transportation of Wards	Reimbursements for the costs of transporting wards to and from facilities.	95	General
County Offices of Education	Education	Juvenile Hall Schools	General and special educational programs for young people committed to juvenile halls, camps, ranches, and schools.	77,400	General
Local school districts	Education	School Law Enforcement Partnership	Joint effort of Attorney General and the Superintendent of Public Instruction to address problems of school crime, vandalism, truancy,	315	General
Local school districts	Education	Opportunity Classes/ Programs	Program for students identified as potential truants or disciplinary problems.	10,000	General

Primary Local Recipient or Beneficiary	Responsible State Department	Activity	Description	Estimated 1986-87 Expenditures	Fund
Local school districts	Education	Drug and Alcohol Abuse	Three-year pilot project to curtail drug and alcohol abuse among children.	177 250	General Special
Local school districts	Education	Hyperactive Children	Pilot projects to divert hyperactive children from truancy and criminal behavior.	210	General
County welfare agencies	Social Services	Group Homes	Reimbursements for the costs of placing youthful offenders in community-based residential treatment facilities.	81,402 21,598	General Federal
County welfare agencies, others	Social Services	Child Abuse Programs	Funding to private non-profit and public agencies for child abuse prevention and intervention programs.	23,741	General
District attorneys, others	OCJP	Gang Violence Suppression	Grants for programs to reduce gang violence in local communities.	3,515 510	General Federal
Local law enforcement, school districts	OCJP	Suppression of Drugs in Schools	State funds and technical assistance to combat drug trafficking in schools.	1,929	General
Various local public and private agencies	OCJP	Juvenile Justice and Delinquency Prevention	Federal grant funds for support of a variety of juvenile delinquency programs and efforts to improve the juvenile justice system.	3,490	Federal
Various local public agencies	OCJP	Juvenile Sex Offender Treatment	Four-year pilot program to treat juvenile sex offenders who are not committed to the Youth Authority.	450	General

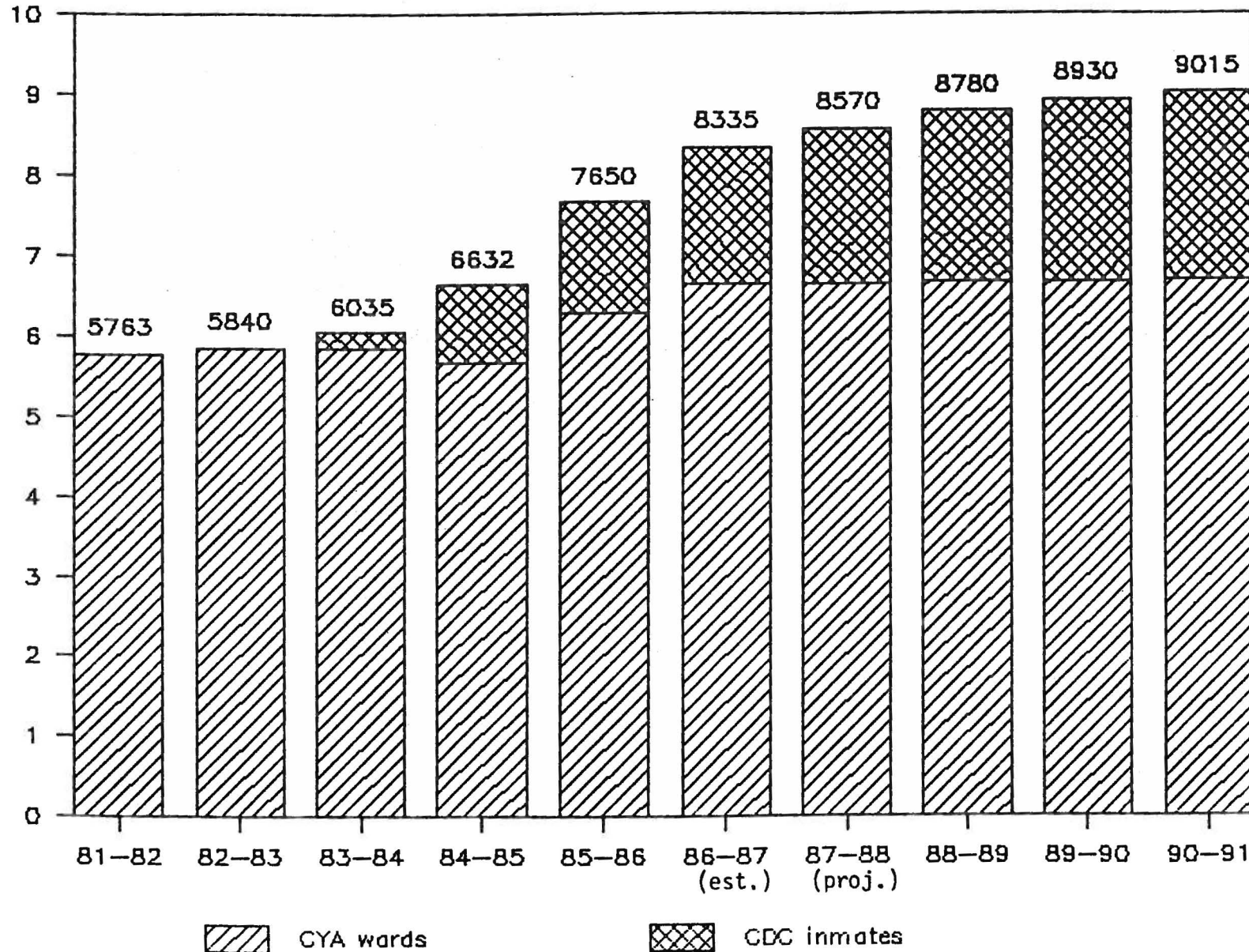
Primary Local Recipient or Beneficiary	Responsible State Department	Activity	Description	Estimated 1986-87 Expenditures	Fund
Non-profit agencies in the counties of Los Angeles and San Francisco	OCJP	Homeless Youth Pilot Project	Pilot projects designed to provide shelter and immediate and long-term services to homeless youth.	230	General
County probation departments	Board of Corrections	County Jail Bond Act	Funding for the construction and/or reconstruction of local juvenile facilities.	20,000	Bonds
TOTALS, ALL PROGRAMS				\$272,280	General
				250	Special
				20,000	Bonds
				25,598	Federal
TOTAL, ALL FUNDS				\$318,128	

CHART 1

Legislative Analyst
December 2, 1986

Youth Authority Institution Population

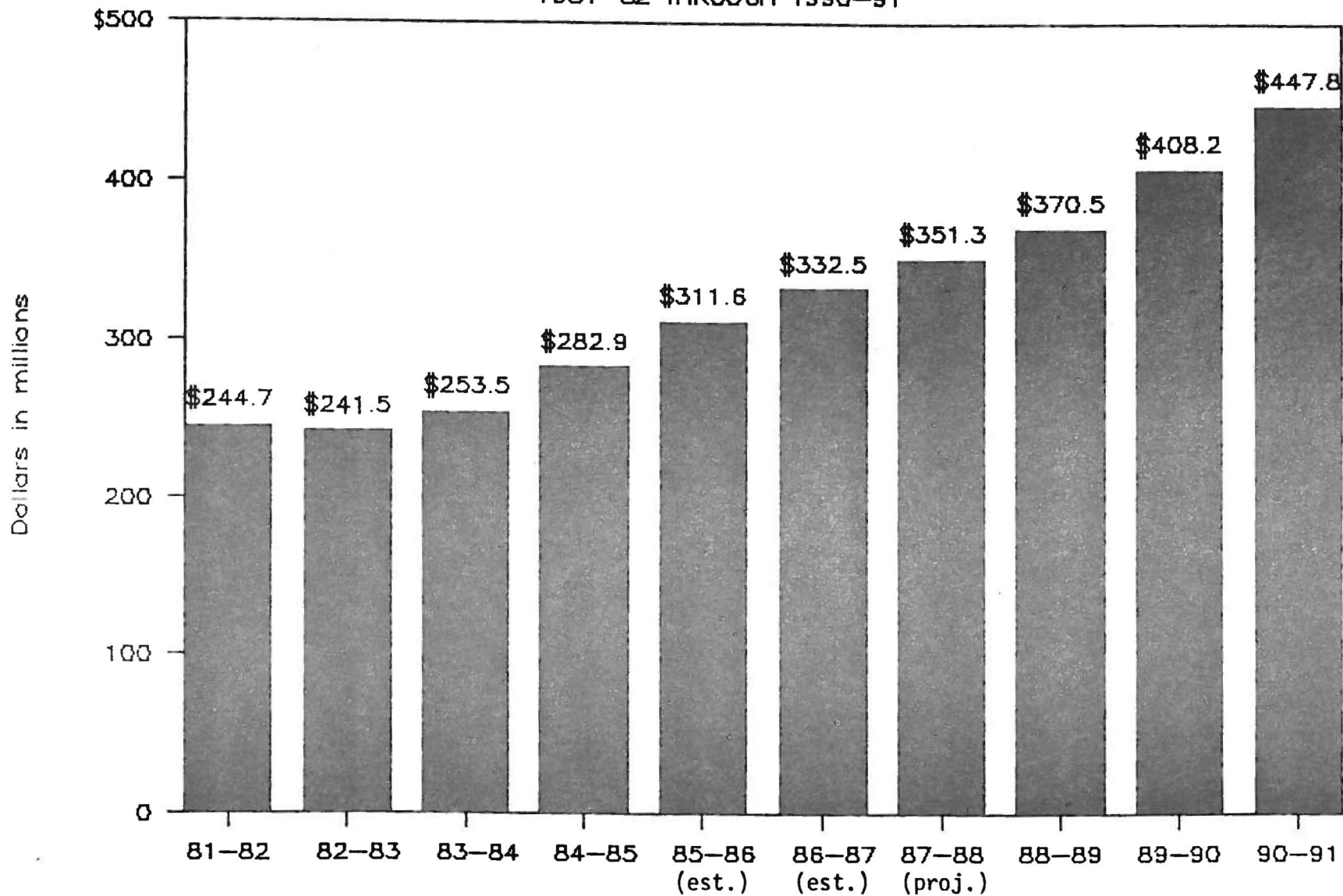
1981-82 THROUGH 1990-91



Source: Governor's Budget and Department of the Youth Authority.

Chart 2

Growth in Youth Authority General Fund Expenditures
(Support Budget Only)
1981-82 THROUGH 1990-91

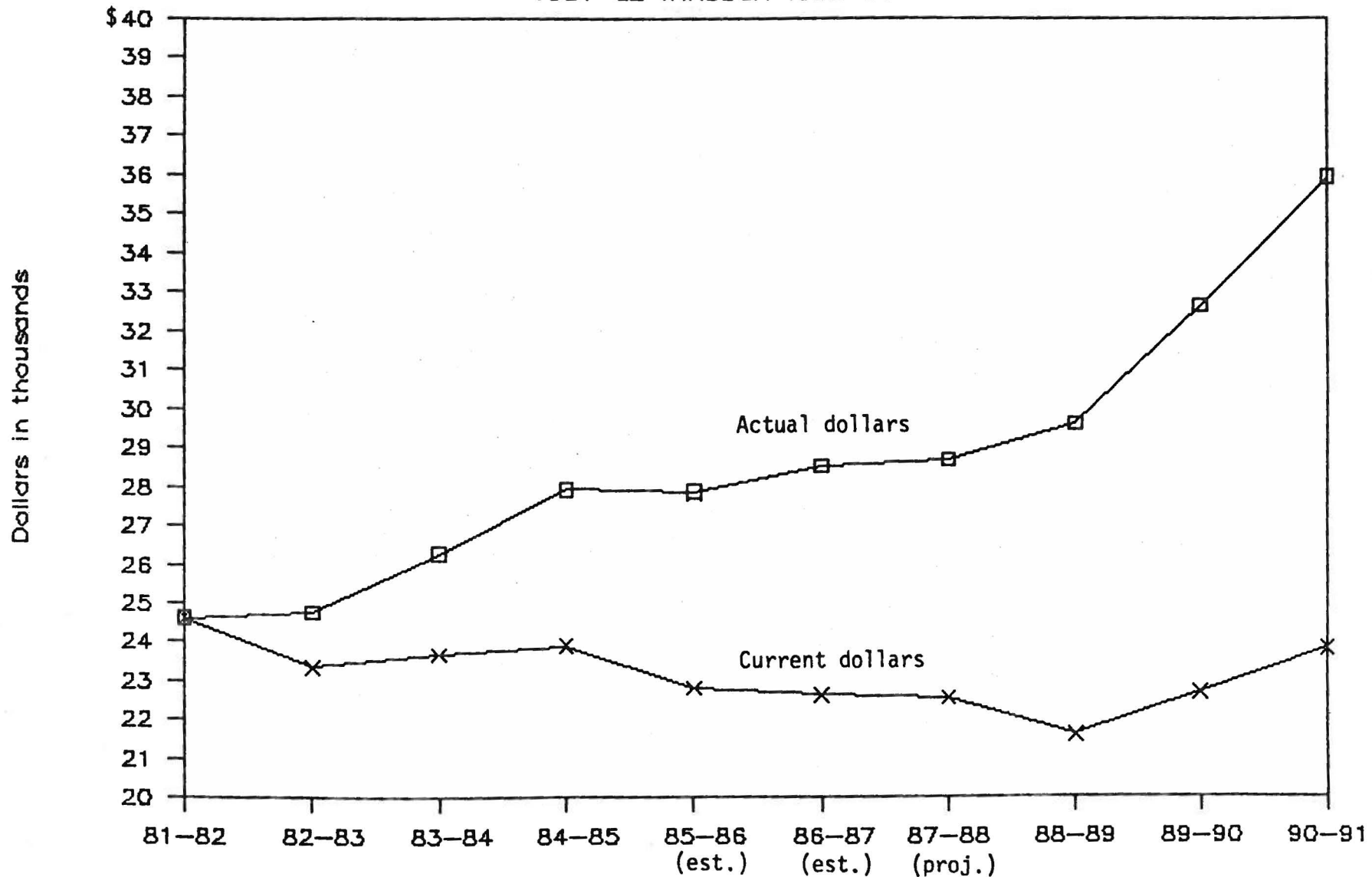


Source: Governor's Budget and LAO estimates.

CHART 3

Youth Authority Per Capita Costs

1981-82 THROUGH 1990-91



Source: Governor's Budget, Department of the Youth Authority, and LAO estimates.

MEMBERS
ROBERT PRESLEY
CHAIRMAN

GARY HART
NEWTON R. RUSSELL
JOHN SEYMOUR
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Senate Select Committee

on

Children and Youth

SENATOR ROBERT PRESLEY
CHAIRMAN

AGENDA

SENATE SELECT COMMITTEE ON CHILDREN & YOUTH

OVERCROWDING AT DEPARTMENT OF THE YOUTH AUTHORITY FACILITIES

Wednesday, December 3, 1986

9:00 a.m. to 12:30 p.m.

Senator Robert Presley.....	Opening Statement
James Rowland, Director..... Department of the Youth Authority	Overview: Youth Authority Goals & Objectives; The Department's Plan for Overcrowding
Dr. Barry Krisberg, President..... National Council on Crime and Delinquency	Factors and Systems Contributing to Youth Authority Overcrowding
Welby Cramer, Chairman..... Youthful Offender Parole Board	Youthful Offender Parole Board Sentencing Guidelines
Michael Lerner, Ph.D., President.... Steve Lerner, Director Commonweal Research Institute	The Effect of Overcrowding on Youth Authority Wards, Environmental and Design Considerations
Franklin Zimring, Professor..... Boalt Hall School of Law, U.C., Berkeley	Sentencing of Juveniles and Sentencing Alternatives
Peter Greenwood, Ph.D., Senior..... Researcher Rand Corporation	The Role of Private Programs in the Juvenile Justice System

Agenda
December 3, 1986 Hearing
Page Two

Alan M. Crogan, Legislative.....County Juvenile Programs
Chairman
Chief Probation Officers of CA

Gerald Buck, Chief ProbationResearch Components of County
Officer Juvenile Programs Study
Contra Costa County Probation
Department

Honorable Thomas E. Hollenhorst,....The Sentencing of "M" Cases
Judge
Riverside County Superior Court

Honorable James Morris, Judge.....The Sentencing of "M" Cases
Sacramento County Superior Court

Cheryl Stewart, Principal Program...Fiscal Impact of Overcrowding
Analyst and
Randy Hodgins, Program Analyst
Legislative Analyst's Office

Don Musselman, Vocational Trade.....Overcrowding in Youth Authority
Instructor Classrooms
Youth Authority Training School,
Chino
Chita Cazares, Academic Instructor
Youth Authority Training School, Chino
Dugan Weber, Academic Instructor
Youth Authority School for Boys,
Paso Robles

MEMORANDUM
FOR THE SENATE
BY
JAN HART
NEWTON R. RUSSELL
JOHN SEYMOUR
DIANE WATSON

California Legislature

Senate Select Committee

on

Children and Youth

SENATOR ROBERT PRESLEY
CHAIRMAN

December, 1986

OVERCROWDING AT DEPARTMENT OF THE YOUTH AUTHORITY FACILITIES

In the past ten years, the population of Youth Authority (YA) facilities has increased significantly. Between 1976 and 1986, the number of wards admitted to YA institutions has increased while the number of parole releases has decreased. At the beginning of 1976, YA housed 4505 wards. Ward population as of June 30, 1986 reached 7,502. All Youth Authority facilities exceed their budgeted capacities, creating potentially dangerous situations for wards and staff alike. Current trends indicate that overcrowding will continue.

According to a report prepared on YA overcrowding by the Senate Office of Research (SOR) in 1982, the growth in YA's population reflects a shift in California's approach to both juvenile and adult offenders. Public demand for protection against violent criminals has led to the enactment of harsher measures for all criminal defendants, including juveniles. The sentencing of adults (18-21) who would otherwise be committed to Department of Corrections institutions has also exacerbated overcrowding.

When the Youth authority was established in 1941, its goals, like those of the juvenile court, were clearly rehabilitative. The Youth Authority Act announced as its goal the more effective protection of society "by substituting for retributive punishment, methods of training and treatment directed

toward the correction and rehabilitation of young people found to be guilty of public offense." However, critics have increasingly demanded that the system adopt a "get tough" attitude. According to the 1983 report commissioned by the Legislature and prepared by the Rand Corporation, Youth Crime and Juvenile Justice in California, "critics tend to focus on public safety. They fault the system for giving serious offenders too many breaks and too many chances on diversion or probation, ... and for imposing terms of confinement that are too short. These critics... argue that... juveniles should be confined in more punitive settings."

The shift away from rehabilitation was formalized with the enactment of SB 193 (Chapter 115, Statutes of 1981). This measure redefined the purpose of YA, incorporating the protection of society from the consequences of criminal activity as its primary purpose. This change constituted a major shift in the orientation of the Youth Authority.

I. What Is Overcrowding?

As used in this document, overcrowding will refer primarily to the housing of more wards (based on average daily population) than the facility was designed to hold. Other measures of overcrowding often include reference to "spatial density" (the number of square feet allocated per person), "social density" (the number of occupants in a housing unit), or budgeted capacity (staffed beds).

Listed below are current YA populations, compared to each facility's design capacity. All are seriously overcrowded.

<u>Facilities</u>	<u>Institution Population 10/31/86</u>	<u>Bed Design Capacity</u>	<u>Population as a Percent of Bed Design</u>
NRCC	492	326	+150.9
SRCC	585	350	+167.1
Fred C. Nelles	743	550	+135.1
O.H. Close	524	379	+138.2
Karl Holton	524	388	+135.1
Dewitt Nelson	553	400	+138.3
El Paseo de Robles	681	452	+150.7

Preston	819	620	+132.1
Youth Trng. Sch.	1646	1200	+137.2
Ventura	727	576	+126.2
Camps	637	554	+115.0
Silverlake	35	45	+ 77.8
El Centro (leased)	60	50	+120.0
No. CA Facilities (leased)	<u>18</u>	<u>25</u>	<u>+ 72.0</u>
TOTAL	<u>8044</u>	<u>5915</u>	<u>+136.0</u>
CYA FAC. ONLY	<u>7966</u>	<u>5840</u>	<u>+136.4</u>

The consequences of adding more wards to a facility than the facility was designed to accommodate are numerous. Among the most serious are the following:

1. Double-celling and double-bunking. Once prohibited in juvenile facilities, the practice of double-celling is now common in YA institutions. Double-celling occurs at every YA facility designed with single rooms. At all other facilities with open dormitories, double-bunking has been instituted. Double-celling is not utilized for the more violent or troubled wards. Informal interviews with YA counselors revealed that the effects of double-celling are not as negative as might be expected. Some even see a benefit to wards in terms of companionship and decreased noise in the corridors (caused by wards calling out to one another across hallways). However, all agree that double-celling and double-bunking add to the negative effects of overcrowding, including increased levels of stress (among staff and wards alike) and increased levels of violence in the facilities -- especially gang related activity.

2. Increased level of violence. The most frequently cited result of overcrowding is increased violent behavior among wards, and the resulting need for disciplinary action. While the nature of the crimes committed by wards has become more severe over the years (especially gang related crimes), this factor alone does not account for the more frequent fights and assaults. Several studies have shown that crowding exacerbates ward violence -- including violent behavior upon release. The CYA Report Part

Two, undertaken by the Commonwealth Research Institute, concludes: "Originally the Youth Authority was envisaged as a place where young people who had gotten into trouble with the law could be rehabilitated through education, vocational and counseling programs while 'paying their debt' to society. Unfortunately, these enlightened programs, many of which are still intact, are being crushed under the weight of overcrowding. In densely packed dayrooms and dorms the individual inmate is focused on his present survival against sudden attack by some other inmates, not on improving his mind or skills for some hard-to-imagine future beyond the completion of his sentence. He is looking not at the blackboard in front of him, but over his shoulder in fear for his safety. ... When brutalized prisoners are eventually released, law abiding citizens are subsequently endangered. ... (A)ccording to many criminologists, authorities are effectively turning nonviolent thieves into people who commit rape, murder and aggravated assault once they emerge from the violent prison subculture. The cost to the taxpayer is higher in the long run."

3. Logistical Problems. According to several YA Superintendents and administrators interviewed informally, overcrowding has caused administrative nightmares. For example, double-celling has meant going on double shifts for such basic necessities as feeding and showering. By one estimate, feeding alone was taking almost eight hours a day. By adding time for showering and movement to and from classes, little time remained for any significant program activity. It appears that most of these logistical problems have been solved. However, the solution frequently means feeding wards at least one meal a day in their cells and running programs from 3:45 am to 10:45 pm each day.

II. Factors Contributing to Overcrowding

1. Increased length of stay. Overcrowding at YA facilities is not primarily the result of increased referrals (except for the so-called "M" cases discussed below). In fact, juvenile arrest rates have levelled off significantly over the

past few years. Rather, overcrowding is attributable largely to the fact that more and more wards are sentenced for longer and longer periods of time. The Youth Authority reports that "Increasing steadily from a low of 10.9 months in 1977, the 1985 institutional length of stay of 17.1 months is the longest in Youth Authority history." Some eleven year sentences have recently been assigned. The average length of stay for first admissions was 20.1 months -- approximately two months longer than the 18.2 months for first admissions in 1984. Moreover, YA data show that juvenile court cases for certain offenses are incarcerated longer than criminal court cases. Additionally, over the last five years, the average amount of time parolees spend on parole has increased from a low of 18.1 months in 1981 to a high of 19.0 months in 1985.

Recent statistics from the U.S. Department of Justice also demonstrate that California detains juvenile offenders for longer periods of time than any other state. And, while YA data show that referrals have levelled off over the past few years, U.S.D.O.J. data show that California refers a higher proportion of juveniles to state correctional facilities than any other state. The only jurisdiction with a higher rate of juvenile confinement is the wholly urban District of Columbia in which 461 juveniles per 100,000 are in custody. The rate for California is 420. The state with the lowest rate of confinement is Massachusetts, with 32 per 100,000 juvenile population. (1985 data.)

2. Revised YOPB Policy. Increased lengths of stay are attributable to revised Youthful Offender Parole Board (YOPB) policies which have extended the Parole Consideration Date (PCD) interval (i.e., sentence length) for many serious offenses. New policies have also changed the manner in which intervals are determined. Prior to 1978, the Board had considerable discretion in setting PCD intervals. According to the 1982 SOR report, "Although there were guidelines describing four categories of offenses, each with prescribed PCD intervals, the Board had the authority to deviate from the guidelines as much and for whatever

reasons as they deemed appropriate. In June of 1978, a new time-setting policy listed seven categories of offenses (Board Hearing Categories) in order of seriousness and indicated an appropriate PCD interval for each category. The new policy lengthened the PCD interval for the more serious offenses, often doubling the previously prescribed PCD interval. The new policy also introduced a more structured method of time setting, minimizing the Board's discretion in determining PCD intervals."

Since the new policy was established in 1978, several other changes have been made. The most significant changes occurred in continuing the trend toward increased PCD intervals. In 1979, PCD intervals for some offenses were increased by as much as one year, while recently adopted guidelines (September, 1986) again lengthened PCD intervals. Category 1 Offenses now carry a PCD interval of seven years.

3. "M" cases. A new factor contributing to increased numbers of wards in YA facilities are persons sentenced, under Welfare and Institutions Code §1731.5(c) to the Department of Corrections and transferred to the custody of the Youth Authority. In 1984, there were 662 such commitments to YA facilities; in 1985, the number was 1,235. Current projections estimate the number of "M" case commitments to reach 1,500 by the end of the year (approximately 20% of total YA population). There are no reliable means of knowing whether the number of "M" case referrals has begun to level off or whether it will continue to increase. There is no question that sentencing younger adult criminals who have committed less serious crimes to YA facilities is desirable. According to Superior Court Judge Thomas E. Hollenhorst, "We are by law required to send individuals on to state institutions; however, in an effort to isolate young offenders from older, more sophisticated offenders who will either take advantage of them physically, or teach them more sophisticated criminal behavior, the courts have used the California Youth Authority under 1731.5 as the only available option." Nevertheless, the effect of sentencing "M" cases to YA facilities is a significant factor contributing to overcrowding.

III. Fiscal Issues

1. Sentencing options. The current annual cost of confining a juvenile at a YA facility is approximately \$32,000. However, YA confinement is not the only option for placement of juvenile offenders. Many alternatives are considerably less costly. The 1983 Rand Report lists seven primary sentencing options, utilized in ascending order according to the severity of offense and criminal history.

Diversion. Juveniles are referred by the court to a social service agency for treatment. Further intervention by the court is deemed unnecessary or of significantly probable negative impact to outweigh the benefits.

Home on Probation. The juvenile is released to the care and custody of his or her parents, with minimal requirements to report to a probation officer.

Community Service, Restitution, or Participation in Community Treatment Programs. For juveniles whose crimes are more serious, or whose treatment needs are more acute, these options provide a greater range of options than straight probation, while allowing the juvenile to reside at home.

Short term detention for up to 60 days is primarily a punitive option that is typically used for juveniles who have failed to respond to probation or community programs.

Out-of-Home Placement involves placing a youth in a privately operated foster home, group home, or residential treatment facility under the supervision of adults who are paid for the juvenile's care. These placements can run anywhere from six months to two years and vary considerably in the degree to which the juvenile is supervised.

Local Confinement in a county ranch or camp is reserved for youths who commit more serious offenses or are repeat offenders but who are not considered serious enough to be sent to the YA. Confinements typically range from four to eight months.

Long-Term Confinement. The most severe form of intervention that can be ordered by the juvenile court is

confinement in a county camp or YA facility. There are provisions whereby the juvenile court may waive jurisdiction over minors who have committed very severe crimes so that they can be prosecuted as adults in criminal courts.

Not only does the cost of providing these programs vary considerably, so also does the method of funding them. The current method of funding treatment programs encourages commitments to YA facilities and private placements (foster care, group homes, privately operated camps) and discourages counties from enlarging their own institutional programs. The state pays all costs for YA commitments and 95 per cent of AFDC foster care placements.

It should be noted here that both statutory and case law give YA the authority to reject the commitment of juveniles to its facilities. This authority includes the power to determine whether its facilities and programs will be of benefit to a ward. Under overcrowded conditions, it is questionable that all juveniles will benefit from YA placement. In light of the availability of state funding for a variety of county operated programs, it would seem possible that encouraging YA to exercise its discretion to reject commitments would partially solve the problem of overcrowding. Currently, counties are not accountable to anyone for their inability to provide local options.

2. Budgetary Constraints. A variety of funding streams exist to subsidize county operated programs. However, many counties have been faced with a variety of budget problems, stemming primarily from reduced funding under Proposition 13. The effect of spending limitations imposed by Proposition 4 (the "Gann Revenue Limits" initiative of 1979) remains unclear. While the state has reached or exceeded its spending limits, many counties are significantly under their local Gann limits. Listed below are the primary programs in the juvenile justice system.

Probation Officers. The 1982 SOR report surveyed County Probation Departments and probation officers and reported serious budget cuts, staff reductions, and increased caseload sizes. The trend does not appear to have changed.

County Justice System Subvention Programs. These programs (CJSSP) were legislatively created in 1978 (AB 90 and AB 2091) to provide counties with fiscal incentives to retain offenders at the local level. Counties decide for themselves how to use their funding, but are encouraged to develop local sentencing alternatives for less serious offenders rather than committing them to YA facilities. Originally, to be eligible to receive AB 90 funding, counties had to remain below a prescribed rate of juvenile and adult commitments to state institutions (excluding certain serious offenders). However, 1983 amendments to AB 90 seriously weakened county incentives for developing local alternatives, for a variety of reasons. Currently, the only way a county can lose a portion of its AB 90 funding is to reduce its juvenile capacity at local facilities and increase referrals to YA. To date, no county has actually lost funding for too many YA commitments. Finally, because of local probation cutbacks, resources typically are allocated to existing, essential criminal justice functions, rather than community-based alternatives to incarceration.

Juvenile Court Judges. Juvenile court judges express frustration at the loss of many local programs which are less costly and, perhaps, more appropriate options than YA commitments.

IV. Policy Considerations

In the light of the factors outlined above, the following major policy considerations remain.

1. Can the Youth Authority fulfill its legislative mandates (the protection of society through rehabilitation of wards) while overcrowded? Both the 1982 SOR report and the Commonwealth Research Institute CYA Report conclude that overcrowding presents a barrier to effective rehabilitation. According to the CYA Report, "It is the thesis of this report that not enough attention has been paid to the negative impact which remarkably stressful living conditions at the Youth Authority have on its institutionalized population. Somehow the obvious has been

overlooked. Young people will not be rehabilitated if they are housed in fifty-ward dormitories that are crowded, noisy, and devoid of privacy. The effectiveness of the Youth Authority's counseling programs ... is critically impaired when set in the context of dehumanizing conditions." (It should be noted that fifty-ward dormitories now house eighty to ninety wards.)

2. How does overcrowding affect budgetary considerations? YA operating costs have increased over the past ten years, much of which is attributable to crowding. While adding new wards to existing facilities may seem to be efficient, the actual cost of running overcrowded facilities is very high. Moreover, when crowding forces rehabilitative efforts to be sidetracked, there are ultimately long-term costs to society -- including the possibility of increased institutional violence and recidivism. Proposition 54, a bond measure recently approved by the voters, will provide \$50 million to YA for capital projects. While bonds are exempt from the Proposition 4 spending limits, the costs associated with the operation of new facilities will not be.

3. Is there any evidence to support the theory that increasing sentences reduces recidivism and violence? The Rand Report notes that there is little evidence that more frequent and longer restrictive placements reduce rates of recidivism or of serious crime. Such evidence must be weighed against the need for the protection of the public.

4. How can the ability to commit "M" cases to YA facilities be continued without seriously adding to overcrowding? No one questions that the option of sentencing criminally unsophisticated, young adults, who can benefit from the rehabilitative program offered by YA, should be continued. However, adults commitments now account for approximately 20% of YA population.

5. How can incentives be developed to ensure the availability of programs designed to prevent delinquency? A major finding of the 1983 Rand Report is that the majority of delinquents who come before the juvenile court have limited, if

any, prior contacts with the juvenile justice system. For many, their delinquent behavior is merely a symptom of more serious problems -- difficulties or abuse at home, developmental impairments, or drug or alcohol dependency. Assistance for youths whose behavior is not serious enough to require confinement has always been in short supply. While YA overcrowding does not yet appear to be the result of the commitment of increasing numbers of juveniles who are in need of some treatment, current funding practices discourage rather than encourage the use of alternative treatment and diversion programs.

REVISION RECORD FOR REGISTER 86, No. 36

(September 6, 1986)

TITLE 15. CRIME PREVENTION AND CORRECTIONS

DIVISION 4.5. YOUTHFUL OFFENDER PAROLE BOARD

This part of Register 86, No. 36, contains all the additions, amendments, and repeals affecting the above-entitled portion of the California Administrative Code which were filed with the Secretary of State from 8-30-86, to and including 9-6-86. The latest prior register containing regulations of the above agency is Register 86, No. 6 (2-8-86).

It is suggested that the section numbers listed below as well as the page numbers be checked when inserting this material in the code and removing the superseded material. In case of doubt rely upon the section numbers rather than the page numbers since the section numbers must run consecutively. It is further suggested that superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

SECTION CHANGES

The sections listed below are amended herein.

4945
4950.5
4951-4957

PAGE CHANGES

**Remove
Old Pages**
1111-1118

**Insert
Attached Pages**
1111-1118
1118.1-1118.2

(Precedes page 1111, Title 15)

(d) Community Reaction Reports. A request by the Board for a community reaction report shall be made only by Board order.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1721 and 1723, Welfare and Institutions Code.

HISTORY:

1. Amendment of subsection (b) filed 11-8-82; effective thirtieth day thereafter (Register 92, No. 46).

Article 2. Parole Consideration Date

4945. General Policies.

In Article 3 of this subchapter, the Board establishes categories of offenses which reflect its view of the seriousness of specific offenses and the degree of danger those committed to the Youth Authority pose to the public. The Board prescribes an interval of time for each category as a guide in establishing a parole consideration date.

(a) A parole consideration date represents, from its date of establishment, an interval of time in which a ward may reasonably and realistically be expected to achieve readiness for parole. It is not a fixed term or sentence, nor is it a fixed parole release date.

(b) A parole consideration date and Board hearing category shall be established for each ward at an initial hearing. A parole consideration date shall be established at a disposition hearing in which parole is revoked.

(c) An initial parole consideration date shall be established from the date of acceptance by the Youth Authority of a ward committed by a court of competent jurisdiction or from the date of the disposition hearing in which parole is revoked. When a ward escapes prior to delivery to the Youth Authority, the parole consideration date shall start from the date received in a Youth Authority institution.

(d) Day-for-day credit for time spent in local custody for the commitment offense shall not be credited toward the establishment of the parole consideration date; however, a judgement shall be made as to the effect, if any, that the ward's experiences and behavior while in local custody have on the ward's training and treatment needs. Such judgement shall be taken into consideration in establishing the parole consideration date.

(e) Pursuant to applicable law, credit for time served in local custody shall be applied to the maximum confinement time authorized for each individual ward.

(f) A decision on the parole consideration date shall be made on each case by category of offense at the initial hearing by the appropriate panel as set forth in Article 3, (Section 4951 et seq.) or by a referee at a disposition hearing. Those cases committed from the juvenile court on total record shall have the category of decision making procedures set by the most serious offense in the total record, and the most recent offense shall establish the parole consideration date interval category. Notwithstanding any other provisions of Article 3 of this subchapter, no parole consideration date shall be established which exceeds a ward's available confinement time.

(g) A parole consideration date may be adjusted by the Board in response to the individual training and treatment needs of a ward.

(h) The parole consideration date guidelines as set forth in Article 3 for confinement time intervals which apply to each ward are those that were in effect on the date of that person's most recent commitment offense or parole

violation whichever occurred later. The procedure for deviation and modification of parole consideration dates set forth in this article shall apply to all wards regardless of the date of their commitment or parole violation. In deviating from or modifying a parole consideration date the Board shall state its reasons in the Board order.

(i) Guidelines for deviating from the prescribed parole consideration date include, but are not limited to, the following factors relating to a ward:

- (1) Extent of involvement in commitment offense(s). (Minimal or extensive.)
- (2) Prior history of delinquency or criminal behavior including sustained petitions and/or convictions. (Minimal or extensive.)
- (3) Involvement with dangerous or deadly weapons, their possession or use.
- (4) Violence, actual or potential. Injury to victims. (Minimal or extensive.)
- (5) Behavior or adjustment while in custody prior to acceptance of commitment.
- (6) Attitude toward commitment offense(s) and victims of offense(s).
- (7) Alcohol/drug abuse.
- (8) Facts in mitigation or aggravation as established by court findings.
- (9) Psychiatric/psychological needs.
- (10) Staff evaluation.
- (11) Available confinement time.
- (12) Maturity and level of sophistication.
- (13) Motivation of the ward and prognosis for success or failure.
- (14) Multiplicity of counts of the same, related, or different offense.
- (15) Factors evaluated in the Community Assessment Report (positive and negative).
- (16) Availability of community-based programs and the ability to function in same under parole supervision without danger to the public.
- (17) Mental or emotional injury to victim.
- (18) Vulnerable victim: aged or handicapped.
- (19) Presence of victim during commission of burglary, first degree.
- (20) Extent the committing offense was youth gang related (minimal or extensive).

(j) Guidelines for modification of an established parole consideration date and to assist in determining readiness for parole include, but are not limited to, the following factors:

- (1) Protection of the public.
- (2) Prior probation/parole failure.
- (3) Attitude and sense of responsibility toward commitment offense.
- (4) Attainment of institutional goals.
- (5) Institutional behavior.
- (6) Participation in program.
- (7) Educational potential.
- (8) Employment potential.
- (9) Emotional adjustment.
- (10) Staff evaluation, treatment team report, psychiatric report.
- (11) Special psychiatric/psychological needs.
- (12) Alcohol/drug dependency.
- (13) Family support.
- (14) Future plans.
- (15) Placement potential.

- (16) Community reaction.
- (17) Availability of community-based program to further treatment and training needs.
- (18) Motivation and prognosis for success.
- (19) Probability of recidivism.
- (20) Continuing (or abstaining) participation in youth gang activities while incarcerated.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1712, 1719, 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY:

- 1. Order of Repeal of initial paragraph filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).
- 2. Amendment filed 9-4-86; effective thirtieth day thereafter (Register 86, No. 36).

Article 3. Offense Categories and Classification

4950. Determination by Court or Board.

The ward behavior described in parentheses in Sections 4951–4956 of this article citing Penal Code offenses (e.g., kidnapping "(with substantial injury)" (207 Penal Code)) may be determined by the court or the board. The board shall establish a parole consideration date category in accordance with such determination.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1714, 1719, 1721 and 1723, Welfare and Institutions Code.

4950.5. Definitions and Findings.

For purposes of this article, the following definitions shall apply:

(a) "Armed With Dangerous or Deadly Weapon." This means that the ward or co-offender(s) was armed with or used a dangerous or deadly weapon during the commission or attempted commission of a crime for which he was committed to the Youth Authority.

(b) "Dangerous or Deadly Weapon." Any instrument or weapon commonly known as a blackjack, martial arts weapon, sling shot, billyclub, sandclub, sandbag, metal knuckles, dirk, dagger, pistol, revolver, pellet gun or any other firearm, any knife used in the commission of a crime, any razor with an unguarded blade and any metal pipe, bar, or object used or intended to be used as a weapon.

(c) "Substantial Injury." This means any injury that required or should have required medical attention beyond minor medical treatment. This includes mental and emotional injury as well as physical injury.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1176, 1719, 1721, 1723, and 1766 Welfare and Institutions Code.

HISTORY:

- 1. Amendment of subsections (a) and (c) filed 9-4-86; effective thirtieth day thereafter (Register 86, No. 36).

4951. Category 1 Offenses.

A parole consideration date interval of seven years shall be established for those cases committed to the Youth Authority for offenses in this category.

(a) Offenses.

- (1) Murder—First Degree (187 Penal Code and 189 Penal Code).
- (2) Murder—Second Degree (187 Penal Code and 189 Penal Code).
- (3) Kidnapping with Death of Victim (207 and 209 Penal Code).

- (4) Kidnapping (with substantial injury) (207 and 209 Penal Code).
- (b) Panels, Deviation, and Modification.

(1) All cases in Category 1 shall be heard by a full board panel at the initial hearing and all subsequent hearings.

(2) A full board panel at the initial hearing may approve a deviation of six months earlier or later than the prescribed parole consideration date.

(3) A full board panel may modify a previously established parole consideration date by a maximum of six months in any annual review year.

(4) A recommendation of a full board panel for deviation or modification in excess of the periods of time cited in (2) and (3) of this section shall be submitted to the full board en banc for decision.

(5) The full board en banc is not limited in its ability to deviate or modify.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY:

1. Amendment of subsection (b) filed 7-28-83; effective thirtieth day thereafter (Register 83, No. 31).

2. Amendment filed 8-16-83; designated effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).

3. Amendment filed 9-4-86; effective thirtieth day thereafter (Register 86, No. 36).

4952. Category 2 Offenses.

A parole consideration date interval of four years shall be established for those cases committed to the Youth Authority for offenses in this category.

- (a) Offenses.

(1) Voluntary Manslaughter (192 Penal Code).

(2) Rape (in Concert or with substantial injury) (261 and all subsections and 264.1 Penal Code).

(3) Sodomy (in Concert or with substantial injury) (286 and all subsections Penal Code).

(4) Sexual Assault with a Foreign Object (in concert or with substantial injury) (289 and 264.1 Penal Code).

(5) Oral Copulation (in concert or with substantial injury) (288a and all subsections Penal Code).

(6) Lewd or Lascivious Act on Child Under 14 (Age of defendant in relationship to victim to be considered as possible mitigation) (288 and all subsections Penal Code).

(7) Kidnap for Ransom, Reward or Extortion (209(a) Penal Code).

(8) Attempt of any Offense in Category 1.

- (b) Panels, Deviation, and Modification.

(1) All cases in Category 2 shall be heard by a full board panel at the initial hearing and all subsequent hearings.

(2) A full board panel at the initial hearing may approve a deviation of six months earlier or later than the prescribed parole consideration date.

(3) A full board panel may modify a previously established parole consideration date by a maximum of six months in any annual review year.

(4) A recommendation of a full board panel for deviation or modification in excess of the periods of time cited in (2) and (3) of this section shall be submitted to the full board en banc for decision.

(5) The full board en banc is not limited in its ability to deviate or modify
NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1176, 1719, 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY:

1. Editorial correction of subsection (a)(2) filed 2-7-83 (Register 83, No. 7).
2. Amendment of NOTE filed 7-28-83, effective thirtieth day thereafter (Register 83, No. 31).
3. Amendment of subsection (a) filed 8-16-83; designated effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 34).
4. Amendment filed 9-4-86; effective thirtieth day thereafter (Register 86, No. 36).

4953. Category 3 Offenses.

A parole consideration date interval of three years shall be established for those cases committed to the Youth Authority for offenses in this category.

(a) Offenses:

- (1) Sexual Assault with a Foreign Object (289(a) Penal Code).
- (2) Rape (261 and all subsections Penal Code).
- (3) Sodomy (286 and all subsections Penal Code).
- (4) Oral Copulation (288a and all subsections Penal Code).
- (5) Kidnap for Robbery (209(b) Penal Code).
- (6) Robbery (armed with dangerous or deadly weapon and with substantial injury) (211 Penal Code).
- (7) Robbery of an inhabited dwelling (213.5 Penal Code).
- (8) Robbery—Operator of Transportation Vehicle For Hire (211 Penal Code).
- (9) Assault with Deadly Weapon or Force Likely to Produce Great Bodily Injury upon a peace officer, fireman, custodial officer, transportation worker or school personnel (245(a), (b), 245.2 and 245.3 Penal Code).
- (10) Assault with Firearm (on a peace officer/fireman) (245(a)(2) and 245(c) Penal Code).
- (11) Grand Theft Person (armed with dangerous or deadly weapon and with substantial injury) (487(2) Penal Code).
- (12) Burglary (armed with dangerous or deadly weapon and with substantial injury) (459 and 460 Penal Code).
- (13) Shooting at Inhabited Dwelling House, Occupied Building or Vehicle (with substantial injury) (246 Penal Code).
- (14) Arson (that causes great bodily injury) or is Committed During a State of Insurrection or Emergency (451 and 454 Penal Code).
- (15) Mayhem (203 Penal Code).
- (16) Vehicular Manslaughter (with gross negligence) (192(c) Penal Code).

(b) Panels, Deviation, and Modification.

- (1) All cases in this category shall be heard by a board panel at the initial hearing.
- (2) A board panel at the initial hearing may approve a deviation of six months earlier or later than the prescribed parole consideration date.
- (3) A board panel may in any annual review year modify an established parole consideration date by six months.
- (4) A recommendation of a board panel for deviation or modification in excess of the foregoing shall be submitted to a full board panel for decision.
- (5) A full board panel may approve an additional six-month deviation or modification to the prescribed or established parole consideration date.

(6) A recommendation of a full board panel for deviation or modification in excess of the foregoing shall be submitted to the full board en banc for decision.

(7) The full board en banc is not limited in its ability to deviate or modify.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference Sections 1176, 1719, 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY:

1. Amendment filed 9-4-86, effective thirtieth day thereafter. Register 96, No. 36.

4954. Category 4 Offenses.

A parole consideration date interval of two years shall be established for those cases committed to the Youth Authority for offenses in this category.

(a) Offenses:

- (1) Vehicular Manslaughter (192(c) Penal Code).
- (2) Involuntary Manslaughter (192(b) Penal Code).
- (3) Robbery (Armed With Dangerous or Deadly Weapon or With Substantial Injury) (211 Penal Code).
- (4) Assault With Caustic Chemicals (244 Penal Code).
- (5) Assault With a Deadly Weapon or Force Likely to Produce Great Bodily Injury (with substantial injury) (245(a) (1) Penal Code).
- (6) Assault with firearm (with substantial injury) (245(a) (2) Penal Code).
- (7) Assault with intent to commit rape, etc. (220 Penal Code).
- (8) Child Cruelty Likely to Produce Great Bodily Injury or Death (273a (1) Penal Code).
- (9) Kidnapping (207 Penal Code).
- (10) Extortion (518 and 520 Penal Code).
- (11) Grand Theft Person (armed with dangerous or deadly weapon or with substantial injury) (487(2) Penal Code).
- (12) Burglary (armed with dangerous or deadly weapon or with substantial injury) (459 and 460 Penal Code).
- (13) Shooting at Inhabited Dwelling House, Occupied Building or Vehicle (246 Penal Code).
- (14) Arson—(451 Penal Code).
- (15) Recklessly Causing a Fire of any Structure, Forest Land, or Property (with substantial injury) (452 Penal Code).
- (16) Sale, Possession for Sale, Transportation, or Furnishing of Controlled Substance, Narcotics, Marijuana.
- (17) Maintaining Place for Selling, Using of Certain Controlled Substances or Specified Narcotics (1136 Health and Safety Code).
- (18) Any other felony including attempted felony not listed in Categories 1 through 3 (with substantial injury).
- (19) Attempt of any offenses in Categories 2 and 3.
- (20) Reccommitment for any offense listed in Category 5 and 6 with a prior commitment for any offense in Category 1 through 6.

(b) Panels, Deviation, and Modification.

(1) All cases in this category shall be heard by a board panel at the initial hearing. The board panel may approve a six-month deviation from the prescribed parole consideration date. A board panel may recommend further deviation from the prescribed parole consideration date by submitting the matter to a full board panel for decision.

(2) A board panel may in any annual review year modify an established parole consideration date by six months.

(3) A recommendation of a board panel for deviation or modification in excess of the foregoing shall be submitted to a full board panel for decision.

(4) A full board panel may approve an additional six-month deviation or modification to the prescribed or established parole consideration date.

(5) A recommendation of a full board panel for deviation or modification in excess of the foregoing shall be submitted to the full board en banc for decision.

(6) The full board en banc is not limited in its ability to deviate or modify.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1176, 1719, 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY

1. Amendment filed 9-4-86; effective thirtieth day thereafter (Register 86, No. 36).

4955. Category 5 Offenses.

A parole consideration date interval of eighteen months shall be established for those cases committed to the Youth Authority for offenses in this category.

(a) Offenses:

(1) Assault With A Deadly Weapon or Force Likely to Produce Great Bodily Injury (243(a) Penal Code).

(2) Battery (with substantial bodily injury) (242, 243(d), 243.2, 243.3, 243.6 Penal Code).

(3) Battery Upon a Peace Officer, Fireman or Upon a Custodial Officer (243.1, 243(b), 243(c) Penal Code).

(4) Recklessly Causing a Fire of Inhabited Structure or Property (452(b) Penal Code).

(5) Robbery (211 Penal Code).

(6) Grand Theft Person (487(2) Penal Code).

(7) Burglary, 1st Degree (459 or 460 Penal Code).

(8) Accessory to Murder (32 Penal Code).

(9) Sexual Battery (243.4 Penal Code).

(10) Intimidation of Witness by Force or Fear; in furtherance of a conspiracy; for pecuniary gain; or by a repeat offender (136.1(c) Penal Code).

(11) Attempt of any Category 4 Offense.

(b) Panels, Deviation, and Modification.

(1) All cases in this category shall be heard by a board panel at the initial hearing. The board panel may approve a six-month deviation from the prescribed parole consideration date. A board panel may recommend further deviation from the prescribed parole consideration date by submitting the matter to a full board panel for decision.

(2) A board panel may in any annual review year modify an established parole consideration date by six months.

(3) A recommendation of a board panel for deviation or modification in excess of the foregoing shall be submitted to a full board panel for decision.

(4) A full board panel may approve an additional six-month deviation or modification to the prescribed or established parole consideration date.

(5) A recommendation of a full board panel for deviation or modification in excess of the foregoing shall be submitted to the full board en banc for decision.

(6) The full board en banc is not limited in its ability to deviate or modify.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1176, 1719, 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY:

1. Amendment filed 9-4-86; effective thirtieth day thereafter (Register 86, No. 36).

4956. Category 6 Offenses.

A parole consideration date interval of one year shall be established for those cases committed to the Youth Authority for offenses in this category.

(a) Offenses:

- (1) Concealable Firearms (12021, 12025 Penal Code)
 - (2) Possession of Explosives, Flammable Matter or Fire Bomb (452(a) Penal Code)
 - (3) Recklessly Causing Fire to Uninhabited Structure or Forest Land (452(c) Penal Code)
 - (4) Burglary, 2nd Degree (459, 460 Penal Code)
 - (5) All Felony Offenses Not Listed.
 - (6) An Attempt of Any Category 5 Offense.
- (b) Panels, Deviation, and Modification.

(1) All cases in this category shall be heard by a board panel at the initial hearing which may approve a six-month deviation from the prescribed parole consideration date.

(2) A board panel or referee may in any annual review year modify an established parole consideration date by six months.

(3) A recommendation of a board panel or referee for deviation or modification in excess of the foregoing shall be submitted to a full board panel for decision.

(4) A full board panel may approve an additional six-month deviation or modification to the prescribed or established parole consideration date.

(5) A recommendation of a full board panel for deviation or modification in excess of the foregoing shall be submitted to the full board en banc for decision.

(6) The full board en banc is not limited in its ability to deviate or modify.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1176, 1719, 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY:

1. Amendment filed 9-4-88; effective thirtieth day thereafter (Register 88, No. 38).

4957. Category 7 Offenses.

(a) A parole consideration date of one year or less shall be established for those cases committed to the Youth Authority for offenses not listed in Categories 1 through 6. This provision also applies to a case in which parole has been revoked for technical violation.

(b) Panels, Deviation, and Modification.

(1) All cases in this category shall be heard by a board panel at the initial hearing. The board panel may approve a six-month deviation from the prescribed parole consideration date. A board panel may recommend further deviation from the prescribed parole consideration date by submitting the matter to a full board panel for decision.

(2) A board panel or referee may in any annual review year modify an established parole consideration date by six months.

(3) A recommendation of a board panel or referee for deviation or modification in excess of the foregoing shall be submitted to a full board panel for decision.

(4) A full board panel may approve an additional six-month deviation or modification to the prescribed or established parole consideration date.

(5) A recommendation of a full board panel for deviation or modification in excess of the foregoing shall be submitted to the full board en banc for decision.

(6) The full board en banc is not limited in its ability to deviate or modify.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference Sections 1176, 1719, 1721, 1723 and 1766, Welfare and Institutions Code.

HISTORY:

1. Amendment of subsection (b) filed 7-28-83, effective thirtieth day thereafter (Register 83, No. 31).

2. Amendment filed 9-4-86, effective thirtieth day thereafter (Register 96, No. 36).

4958. Classification of Cases.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1721 and 1723, Welfare and Institutions Code.

HISTORY:

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7, effective thirtieth day thereafter (Register 85, No. 26).

Article 4. Special Hearings and Actions in Institutions

4961. Prohibited Institution Behavior and Sanctions.

Institutions and camps shall report to the board at his next board appearance, any ward found by Disciplinary Decision Making System (DDMS) proceedings to have engaged in any prohibited behavior as enumerated in this section.

(a) Staff Reports. Staff reports shall include:

(1) The date, a description of the specific behavior, and the specific finding of fact for each incident. All such behavioral incidents shall be listed in chronological order in progress or annual review reports.

(2) Any disciplinary action imposed by staff at institutions or camps, including program adjustment and detention information, shall also include the reasons therefor.

(3) A recommendation when the board is asked to impose a sanction.

(4) A statement of reasons when recommending the board deviate from the sanctions prescribed by this section for prohibited behavior.

(b) Co-offenders. When full board and regular board cases are involved in the same disciplinary incident all such cases shall, if at all possible, be presented to the same full board panel when staff is recommending an extension of parole consideration dates. If such presentation is not possible, a copy of the clinical report and a full report of the disposition of such co-offender(s) shall be included in the report.

(c) Sanctions. Sanctions in the form of extending parole consideration dates are established for each of the prohibited behaviors described in this section. The board may deviate from the prescribed sanctions. However, the board's ability to deviate from these sanctions is subject to the same provisions on modifying parole consideration dates as set forth in Article 3 of this subchapter. The board shall set forth its reasons in a clear and concise manner in the board order when it deviates from the prescribed sanctions.

(d) Behaviors. A ward in an institution or camp found to have engaged in any of the behaviors described in this section shall be presented to board immediately upon completion of the DDMS proceedings only if staff is recommending extension of his/her parole consideration date. The ward is subject to board disposition in the form of extending his parole consideration date. The range of prescribed sanctions for each behavior follows the description of the behavior:

- (1) Individual, group, or gang physical attack, with or without weapons on staff, wards, or any persons not in custody. Prescribed range: 1-12 months.
- (2) Participating in any sexual act without the consent of the other participant. Prescribed range: 1-9 months.
- (3) Possession or manufacturing of a weapon or other object—the primary intent or purpose of which is to inflict injury. Prescribed range: 1-9 months.
- (4) Unlawfully using, possessing, manufacturing, selling, or bringing into an institution any controlled substance (dangerous drugs or narcotics). Prescribed range: 1-9 months.
- (5) Escaping from the custody of the Youth Authority by use of force upon another person. Prescribed range: 1-9 months.
- (6) Holding another person by force or threat of force against such person's will for the purpose of compelling that person, another person, or the Youth Authority to follow a demanded course of action. Prescribed range: 1-9 months.
- (7) Any conviction or sustained petition while a ward is under the control of an institution or camp. Prescribed range: 1-6 months.
- (8) Any other prohibited behavior when staff believes an extension of a parole consideration date is warranted. Prescribed range: 1-6 months.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 1720, 1765 and 1766, Welfare and Institutions Code.

4962. Returns to Court.

NOTE: Authority cited: Section 1722, Welfare and Institutions Code. Reference: Sections 780, 1737.1, 1780 and 1800, Welfare and Institutions Code.

HISTORY:

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

DEPARTMENT OF THE YOUTH AUTHORITY
POPULATION OVERVIEW
June 30, 1986

1. FACILITIES:

11 Institutions, 6 Conservation Camps, 26 Parole Offices

2. INSTITUTION POPULATION (June 30, 1986):

Offenders in Youth Authority Institutions and Camps..... 7,502
(Includes 1,410 Department of Corrections Cases)
In Department of Corrections and Federal Institutions..... 34
On Parole..... 5,029

3. CHARACTERISTICS OF POPULATION (June 30, 1986):

	<u>CYA Cases</u>	<u>CDC Cases</u>		<u>CYA</u>	<u>CDC</u>
<u>Total</u>	<u>6,126</u>	<u>1,410</u>	<u>Mean Age</u>	18.7	20.3
Males	5,864	1,378	Age 13 and under	16	-
Females	262	32	Age 14	59	-
			Age 15	245	-
Juvenile	82.7%	-	Age 16	655	-
Criminal	17.3%	100%	Age 17	1,258	16
			Age 18	1,493	122
Homicide	7.5%	8.5%	Age 19	1,095	397
Robbery	20.3%	23.8%	Age 20	674	482
Assault	16.0%	9.6%	Age 21	226	307
Burglary	23.1%	37.0%	Age 22 and over	405	86
Rape (Forcible)	4.0%	5.2%			
Other	29.1%	15.9%	<u>Committing County</u>		
White	26.1%	39.2%	Los Angeles	48.4%	32.6%
Hispanic	32.7%	25.3%	Santa Clara	5.2%	8.3%
Black	38.2%	31.9%	Alameda	3.6%	2.5%
Other	3.0%	3.6%	Sacramento	2.8%	4.0%
			Kern	4.6%	2.5%
			San Diego	3.7%	6.5%
			San Francisco	2.1%	2.3%

4. AVERAGE LENGTH OF STAY: CYA WARDS FIRST PAROLED, JUL. 1985 THRU JUN. 1986

<u>Total</u>	<u>20.7 Months</u>		
Males	20.9 Months	Murder 1st	54.1 Months
Females	18.0 Months	Murder 2nd	47.9 Months
		Manslaughter	33.1 Months
Juvenile Court	19.9 Months		
Criminal Court	23.8 Months	Robbery (Enhanced)	26.7 Months
		Robbery (Other)	23.0 Months
Felony	21.7 Months		
Misdemeanor	10.2 Months	Assault w/Intent	31.7 Months
		Aggravated Assault	24.4 Months
		Burglary 1st	15.8 Months
		Burglary (Other)	15.5 Months
		Rape (Forcible)	36.3 Months
		Sex Offenses (Other)	26.6 Months

Prepared by:
Data Analysis and Information Systems Bureau

DEPARTMENT OF THE YOUTH AUTHORITY
INSTITUTIONAL AND PAROLE LENGTHS OF STAY, 1985

The following tables present the average amount of time (length of stay) Youth Authority wards spent incarcerated or on parole during Calendar Year 1985. Increasing steadily from a low of 10.9 months in 1977, the 1985 institutional length of stay of 17.1 months is the longest in Youth Authority history.

The average length of stay for first admissions only was 20.1 months--approximately two months longer than the 18.2 months for the first admissions in 1984. Tables 1 and 2 further delineate the institutional length of stay for first admissions by sex, ethnic group, age, commitment offense, and Youthful Offender Parole Board Hearing (YOPB) Category. Overall, males were incarcerated longer than females--20.1 months compared to 19.3 months.

In four of the seven YOPB Hearing Categories, juvenile court cases were incarcerated longer than criminal court cases. Nevertheless, since juvenile court first admissions comprise a disproportionate share of the less serious offenses, their overall length of stay was lower--19.1 months compared to 23.5 months for criminal court cases. The average length of stay for parole violators and recommitments released in 1985 were 9.6 and 17.6 months respectively.

A comparison of the average length of stay on parole for the last five years is presented in Table 3. From a low of 18.1 months in 1981, the average amount of time parolees spent on parole has increased steadily over the years, reaching a high of 19.0 months in 1985.

Prepared By:
Data Analysis and Information Systems Bureau
Management Information Division

TABLE 1
INSTITUTIONAL LENGTH OF STAY FOR FIRST ADMISSIONS
1985 Parole Releases
By Selected Characteristics and Court of Commitment

CHARACTERISTICS	TOTAL		JUVENILE COURT		CRIMINAL COURT	
	Number Paroled	Average Months	Number Paroled	Average Months	Number Paroled	Average Months
Total Parole Releases.....	3,169	17.1	2,331	16.8	838	17.8
First Admission Parole Releases.....	2,102	20.1	1,644	19.1	458	23.5
Sex						
Males.....	1,974	20.1	1,538	19.2	436	23.4
Females.....	128	19.3	106	17.7	22	26.9
Ethnic Group						
White.....	611	17.5	467	16.8	144	19.8
Hispanic.....	631	20.9	476	19.8	155	24.5
Black.....	801	21.5	658	20.5	143	26.2
Other.....	59	17.6	43	15.4	16	23.6
Age at Parole						
16 and under.....	190	12.9	190	12.9	-	-
17.....	358	15.2	357	15.2	1	17.9
18.....	586	16.7	558	16.6	28	17.1
19.....	512	21.8	392	22.9	120	18.2
20.....	255	27.1	118	33.0	137	22.1
21 and over.....	201	32.0	29	46.8	172	29.5
Board Hearing Category						
Category I.....	33	51.9	20	53.1	13	50.2
Category II.....	61	44.7	26	47.2	35	42.9
Category III.....	55	34.1	33	34.0	22	34.3
Category IV.....	573	25.9	381	26.0	192	25.7
Category V.....	193	18.9	164	19.2	29	17.0
Category VI.....	373	14.9	344	14.9	29	15.3
Category VII*.....	814	14.5	676	14.5	138	14.4
Type of Offense						
Misdemeanor.....	129	11.5	125	11.5	4	13.1
Felony.....	1,973	20.6	1,519	19.7	454	23.6

*Excludes parole violators.

TABLE 2

INSTITUTIONAL LENGTH OF STAY
1985 Parole Releases
By Commitment Offense and Court

COMMITMENT OFFENSE	TOTAL		JUVENILE COURT		CRIMINAL COURT	
	Number Paroled	Average Months	Number Paroled	Average Months	Number Paroled	Average Months
First Admission Parole Releases.....	2,102	20.1	1,644	19.1	458	23.5
<i>Murder 1st Degree.....</i>	19	51.7	12	53.9	7	48.1
<i>Murder 2nd Degree.....</i>	48	46.5	22	48.6	26	44.8
<i>Manslaughter.....</i>	38	32.5	15	34.6	23	31.1
<i>Robbery, Enhanced.....</i>	168	25.0	108	24.4	60	26.2
<i>Other Robbery Offenses.....</i>	279	21.2	241	20.8	38	24.0
<i>Assault to Murder.....</i>	26	30.8	18	31.2	8	30.0
<i>Aggravated Assault.....</i>	234	23.7	171	23.8	63	23.6
<i>Other Assault Offenses.....</i>	66	16.9	56	16.6	10	18.1
<i>Burglary 1st Degree.....</i>	272	14.7	261	14.5	11	18.8
<i>Other Burglary Offenses.....</i>	307	15.3	238	15.5	69	14.6
<i>Grand Theft.....</i>	80	14.9	59	15.3	21	13.9
<i>Auto Theft.....</i>	148	13.7	132	13.6	16	13.7
<i>Other Theft Offenses.....</i>	121	12.9	96	13.1	25	12.3
<i>Forcible Rape.....</i>	60	36.9	30	37.6	30	36.2
<i>Other Sex Offenses.....</i>	45	25.7	34	24.4	11	29.6
<i>Possession Hard Narcotic..</i>	16	13.7	13	13.8	3	13.2
<i>Sell Hard Narcotic.....</i>	4	20.9	2	22.1	2	19.8
<i>Possession - Marijuana.....</i>	14	15.5	14	15.5	-	-
<i>Sell Marijuana.....</i>	8	14.2	6	15.5	2	10.5
<i>Other Narcotic Offenses.....</i>	63	14.7	53	15.0	10	13.2
<i>Weapons.....</i>	23	16.0	23	16.0	-	-
<i>Arson.....</i>	8	24.0	7	23.0	1	30.8
<i>Extortion/Kidnapping.....</i>	26	29.0	17	29.4	9	28.1
<i>Miscellaneous Felony.....</i>	19	16.6	6	16.6	13	16.6
<i>Miscellaneous Misdemeanor..</i>	7	7.6	7	7.6	-	-
<i>Escape Juvenile Facility...</i>	3	9.5	3	9.5	-	-
Parole Violator Releases*.....	841	9.6	-	-	-	-
Recommitment Releases*.....	226	17.6	-	-	-	-

*Breakdown by committing court not available.

TABLE 3
PAROLE LENGTH OF STAY
By Year and Type of Removal From Parole

CALENDAR YEAR	TOTAL REMOVED		NONVIOLATIONAL DISCHARGES		REVOCATIONS		VIOLATIONAL DISCHARGES	
	Number	Average Months	Number	Average Months	Number	Average Months	Number	Average Months
1981.....	4,296	18.1	1,716	21.4	1,025	11.4	1,555	19.0
1982.....	4,346	18.2	1,598	22.2	1,193	11.8	1,555	19.2
1983.....	4,381	18.5	1,505	22.3	1,448	12.9	1,428	20.2
1984.....	4,212	18.8	1,495	22.7	1,436	13.4	1,281	20.4
1985.....	4,231	19.0	1,472	23.0	1,480	13.3	1,279	20.8